



Citation for published version:

Millar, J & Warman, A 1996, *Family Obligations in Europe*. Family Policy Studies Centre, London.

Publication date:

1996

[Link to publication](#)

Permission from author and research sponsor given to make this report available.

University of Bath

Alternative formats

If you require this document in an alternative format, please contact:
openaccess@bath.ac.uk

General rights

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

Take down policy

If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

Family obligations in Europe

JANE MILLAR and ANDREA WARMAN

Family & Parenthood
Policy & Practice

J. Millar

Family & Parenthood
Policy & Practice

Family obligations in Europe

Jane Millar and Andrea Warman

PUBLISHED BY

**Family
Policy
Studies
Centre**

SUPPORTED BY

JR
JOSEPH
ROWNTREE
FOUNDATION

Published by Family Policy Studies Centre
231 Baker Street, London NW1 6XE
Tel: 0171 486 8179

ISBN 0 907051 97 9

November 1996

© FPSC/JRF

The **Family Policy Studies Centre** is an independent body which analyses family trends and the impact of policy. It is a centre of research and information. The Centre's Governing Council represents a wide spectrum of political opinion, as well as professional, academic, faith, local authority and other interests.

The **Joseph Rowntree Foundation** has supported this project as part of its programme of research and innovative development projects, which it hopes will be of value to policy makers and practitioners. The facts presented and views expressed in this report, however, are those of the authors and not necessarily those of the Foundation.

Contents

	List of tables	4
	Acknowledgements	5
<i>chapter 1</i>	Family obligations and social policy	6
<i>chapter 2</i>	Partnering	12
<i>chapter 3</i>	Parenting	21
<i>chapter 4</i>	Caring	33
<i>chapter 5</i>	Balancing obligations	45
<i>Appendix 1</i>	Methodology	51
<i>Appendix 2</i>	National respondents	53
	References	54

List of tables

<i>Table 2.1</i>	Patterns of partnership	12
<i>Table 2.2</i>	Regulating divorce/judicial separation	14
<i>Table 2.3</i>	Marital property regimes	15
<i>Table 2.4</i>	Spouse recognised in insurance benefits	16
<i>Table 2.5</i>	Social assistance schemes	19
<i>Table 3.1</i>	Patterns of parenthood: early 1990s	22
<i>Table 3.2</i>	Determining obligations to maintain children after divorce	25
<i>Table 3.3</i>	Interventions between parents and children	26
<i>Table 3.4</i>	Benefits for parents	28
<i>Table 3.5</i>	Care of pre-school age children	30
<i>Table 4.1</i>	Benefits for old age and disability	34
<i>Table 4.2</i>	Family obligations to care between adults	35
<i>Table 4.3</i>	Service provision	38
<i>Table 4.4</i>	Payments for care	42
<i>Table 4.5</i>	What kind of payment for care?	42

Acknowledgements

This project relied upon, and would never have been completed without, contributions from a number of people. The national respondents (listed at Appendix 2) produced the basic reports on which the analysis is based, attended two demanding seminars at Bath, and answered all queries with speed, efficiency and enthusiasm. The members of the Advisory Group, and Barbara Ballard at the Joseph Rowntree Foundation, were always supportive and stimulating. Fenella Bradshaw provided excellent support at Bath, as did Carolyn Hartley at the Family Policy Studies Centre. We, as authors, are responsible for the analysis and interpretation of the data but we relied on the work of others, and thank everyone involved.

Jane Millar

Andrea Warman

Family obligations and social policy

Family structures and employment patterns in Western Europe have changed quite dramatically over the past 20 to 30 years. Changes to the nuclear family include later marriage, smaller families, more marital breakdown, more couples living together without marriage, more children born outside marriage, and more people living alone. Life in childhood and old age has also changed: children have fewer brothers and sisters and may spend parts of their childhood living with just one parent and some parts living with a step-parent and maybe step-siblings. Elderly people live longer, and may find themselves living alone and yet becoming increasingly dependent on others for help with day-to-day tasks. In the labour market there has been a continuing decline in the extent of full-time, full-year, life-time employment. New jobs are more likely to be part-time, temporary or seasonal. Self-employment has risen. Unemployment, including long-term unemployment, remains a significant problem in many places. The time spent in paid work has generally fallen, not just because of shorter working hours but also because of longer periods in education before starting work and longer periods in retirement afterwards. Women make up a growing proportion of the active labour force, although it is still true that women generally earn less than men and work in different sorts of jobs.

It is easy, perhaps, to exaggerate the extent and nature of these changes. The trends have not been as dramatic in all regions within the UK, and certainly looking over Europe more generally substantial national and local variations are clear. Changes in the family, for example, are far more evident in the north of Europe than in the south (Dormor, 1992); and changes in the labour market also take different forms in different countries and regions (European Commission, 1994a). Looking back only to the 1950s and 1960s may also overstate the degree of change: stable families and full employment seem to have been a feature of those decades in a way that looks unusual from a longer historical perspective. This is certainly true in Britain: as Anderson (1983) has

argued, many of the features of the family that seem recent – the rise in lone parenthood, for example – were just as common in nineteenth-century Britain. Today's flexible labour market is starting to look not unlike the casualised labour market of the late nineteenth century. The rise in women's employment is mainly accounted for by increased levels of part-time work (Jonung and Persson, 1993; Hakim, 1993), often in forms of work – homeworking, agriculture, family businesses – that tend to go unrecorded in official statistics (Bradley, 1989).

Policy implications

Nevertheless, these changes in work and family are significant and are part of a wider picture of economic and social change. The restructuring of European labour markets is a consequence of an increasingly globalised economy with changing patterns of international trade and exchange. Changing patterns of family structure and falling fertility rates are happening at the same time as, in most Western European countries, populations are ageing. All these factors are putting increasing pressure on governments and in particular on welfare expenditure. On the one hand more money is needed to pay unemployment benefit, pensions and health care, while on the other there are fewer full-time workers to fund the welfare provision. And, as with money, so too with care: on the one hand there are more people in need of care, on the other hand fewer people to provide that care. The problem can be illustrated by considering the issues and difficulties that can arise from divorce and remarriage. Suppose Mr and Mrs Jones divorce. Should Mrs Jones go out to work to support their two children? If so, who provides and pays for child care? Should Mr Jones pay sufficient maintenance so that the children do not suffer financially as a consequence of the divorce? If so, how will he afford this and maintain a separate household for himself? What if he remarries and has more children? How will his wages meet the needs of two families? What

about his elderly, and recently widowed, mother; where will she live? Who will look after her or pay for her care?

Defining obligations

There are three levels at which these questions can be answered. First, in respect of what people believe it is right to do in a particular situation. Second, in respect of what they actually do when faced with choices. And finally, what the law says they must do. These three levels – attitudes, behaviour and policy – intermingle in ways that are not entirely clear. Finch (1989) and Finch and Mason (1993), on the basis of their empirical research, argue that attitudes in Britain are very mixed and there is little agreement about what is right and appropriate for family members to do for each other. What people do in practice is not, therefore, a consequence of feelings of absolute duty or obligation towards family members but is a complex product of relationships that develop over time, involving notions of reciprocity, reputation and fairness. In law and policy, however, family ties can and often do define obligations – husbands may be legally obliged to support their wives, parents may be legally obliged to support their children and so on – and so gaps or disjunctions can arise between what the law says people must do and what people themselves feel that they should do. Such gaps may be particularly likely in periods of rapid family change. What, if any, financial support Mr Jones feels he owes to his ex-wife, or to his mother, may be very different from what the law says he must pay.

Different countries have answered these questions in different ways. In parts of Germany, for example, Mr Jones could be required to contribute directly towards the cost of care for his mother, while in Britain he could not. In Sweden he would very rarely be required to pay maintenance to his ex-wife after divorce but in Luxembourg he would. In Ireland Mrs Jones would not be required to seek employment but would receive state benefits so she could stay at home and look after her children. In Denmark, however, she would be required to seek employment and would receive state benefits to supplement, rather than to replace, her wages. Different expectations and assumptions about what people should do for themselves and for each other thus lead to different types of policy and provision. The balance that has been struck between the obligations of individuals to provide for themselves, families to provide for each other,

and governments to replace, supplement or enforce these provisions can thus be seen as part of the defining characteristics of different 'welfare states'.

Research aims and methodology

The aim of the research reported here was to describe and compare the ways in which family obligations are defined in policy in different countries. In order to do this it was necessary to make a number of decisions about the way key concepts should be defined, about the scope of the research, and about the methods of data collection to be used. 'Obligations' were defined to include both cash (obligations to financially support another person) and care (obligations to look after another person). They were also defined to include both legal requirements and explicit or implicit expectations. Legal requirements set out clear rules: for example, the *alimentos amplios* in Spain which obliges spouses, siblings and half-siblings to provide 'broad' support to each other, at a level necessary to maintain living standards. Expectations are much less tangible than requirements but are also central to the form of specific provisions. For example, when a benefit for the carers of people with disabilities – the invalid care allowance – was first introduced in the UK married women were excluded, on the grounds that they would be providing such care anyway and did not thus require any financial compensation or support.¹ Clearly, however, it is far easier to obtain information on legal requirements than it is on expectations or assumptions.

The idea of 'family' obligations also needs further clarification. There is a danger of circularity here in that, in one sense, 'family' can itself be defined in terms of financial and caring support: families are the units in society that provide such support and care for each other. In this respect, if relationships are defined as 'family' then 'obligations' follow. Thus, for example, if cohabiting couples are defined as a family unit then they must have the obligations that follow from that. But if they are defined as two separate individuals then no such obligations follow. The question 'how are family obligations defined?' thus resolves itself into the question 'what types of relationship give rise to what sort of obligation?' The types of relationship that might be involved include those based on biological ties (e.g. parenthood), legal ties (e.g. marriage), sexual ties (e.g. cohabitation) and social ties (e.g. co-residence). Using this approach to thinking about

'family' allows us to explicitly consider whether, and how, 'new' family relationships – such as cohabitation, lone motherhood, unmarried fatherhood – have been recognised as creating obligations and so brought into policy.

Another set of issues concerns, not the definition of the family unit, but the boundary between the state and the family, however defined. State definitions of family obligations involve specifying (explicitly or implicitly) who is responsible for whom and enforcing this obligation. But they also involve drawing lines between what they are and are not responsible for. For example, parents generally have an obligation to support and care for their children. 'Parents' and 'children' can be defined in different ways, as we shall see, but so too can the extent of the obligations between them. Thus, for example, the provision of pre-school care is part of state responsibility in France but not in Ireland, where parents must make their own care arrangements, if they wish to do so. The provision of residential care for the elderly is accepted as part of state responsibility in Finland but considered to be part of family support in Greece. Describing the way in which these boundaries have been drawn was thus also part of this project.

The scope of the project

The scope of the research was defined in three main ways. First, in respect of the countries to be covered, and here it was decided to focus on the member states of the European Union (EU). At the time the research was first proposed this meant 12 countries (Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, The Netherlands, Portugal, Spain and the UK), but by the time the project was starting (in early 1994) four other countries (Austria, Finland, Norway and Sweden) were in the process of deciding whether or not to join the EU. We therefore decided to include these four countries as well, although, as it turned out, Norway rejected EU membership. We have, however, continued to include Norway in the data set. (The analysis draws on data which refers to the situation at the end of 1994, so any changes in policy since then are not included.) The high number of countries in the study (16) means that detailed analysis of provisions is impossible and the aim was rather to get a general overview of the current situation and of recent trends. Secondly, it was necessary to decide which policy areas would be covered. Again the decision was to go for a broad picture across a range of policy

areas, rather than focusing on particular areas only. The three main areas covered were therefore family law, cash transfers and welfare services. Thirdly, for the purposes of the analysis reported here, we have concentrated on three main sorts of relationship: partnerships (e.g. marriage and cohabitation), parenthood (e.g. parents and their dependent children), and caring (e.g. adults with additional care needs and their carers). These relationships form the basis of the analysis reported in the three main chapters that follow.

The data were collected from a network of respondents in each of the countries involved. Network members were involved in developing the conceptual and analytical frameworks for the research. They collected the required data by compiling a report describing the situation in each country, using a common format. They also completed a benefits questionnaire to provide information about definitions of 'family' according to different social security benefits. And they validated and commented on the comparative analysis. The national reports (Millar and Warman, 1995) provide a wealth of information about each country, only some of which can be presented here. Information on network members and more details on our methods are given in Appendices 1 and 2, and in Warman and Millar (1996). It is important to note that, although the network was central to the research, responsibility for the analysis and interpretation of the data lie with us, as authors, as does responsibility for any errors of fact.

Within-country variation

Two key issues or problems arose throughout the study which proved very difficult to resolve. The first concerned issues of variation within countries. Variations may be of two sorts. First, policy may not be consistent across different policy areas; for example, in several countries cohabiting couples are treated as two separate people for tax purposes but as a single unit when it comes to assessing entitlement to certain benefits. To understand why these apparent inconsistencies arise means examining policy objectives in each area very closely. Secondly, where policy is determined at a sub-national level – by local, as opposed to central, government – there may be considerable variations in practice within countries. Furthermore, there may be discretion in how policy is implemented and it is at this level, when actual allocation decisions are made, that views about what should be left to the

family and what provided by the state are important. When social workers decide whether to provide a home help service, for example, they may be drawing on their expectations about what the family should provide in order to decide who should have priority for the service. We did not set out to examine policy implementation. The focus here is on the legal and policy frameworks in which such allocation decisions are made.

The second main area of difficulty concerned how best to describe and interpret the objectives of policy. Clearly, the historical and cultural context is important for this. Child-care services, for example, might be intended to help mothers to combine family and employment or they might be intended to contribute to the child's education. These are rather different objectives in relation to the family and to the role of women in the family. More problematically, the objectives of policy are not necessarily made explicit, nor are the assumptions and normative expectations that underpin different approaches to policy. Changing definitions of family obligations may also be played down by governments. In Sweden, for example, our respondents² argue that welfare restructuring has involved redrawing the lines between state and family but:

this process has not been openly identified as a process of increased family responsibility. There are only scattered debates with claims that families should take on more care work, because everybody knows that families normally means women. At present it would be politically impossible to argue for more female unpaid work.

In a different context, in her report our Italian respondent³ suggests that in post-war Italy:

the subject of family policy, in fact, virtually disappeared by mutual consent from the political agenda because of the immediate damage which any political group would suffer if their proposals could be construed ... as harking back to the Fascist regime's policy to encourage childbirth ... At the same time, however, categorical provisions could, and frequently did, have important effects on the family; but these aspects had to pass under silence and constituted the constant muted elements in social welfare policy ... neither discussed by politicians nor named in the headings of the laws.

In the UK, to take an opposite example, the 1991 child support legislation was introduced in a very public manner. Politicians, including the then

Prime Minister, Margaret Thatcher, made a series of speeches arguing that divorced fathers were failing to fulfil their obligations to their children and that it was therefore the role of government to enforce these. The aim of the policy was to change behaviour and attitudes.⁴ However, if the intention was to encourage public support for fathers fulfilling their obligations, this policy achieved only limited success. Divorced men affected by the legislation have proved to be a potent opposition, able to produce strong counter-definitions of how their obligations should be defined (Millar, 1996).

Analysing obligations

This final section of the chapter begins to explore some of the key concepts and principles that we will be examining in the analysis. These can be listed under two main headings: privacy and autonomy.

Privacy

As discussed above, defining family obligations means defining both who is responsible for whom and what they are responsible for. The first of these involves the government in imposing obligations on particular relationships and enforcing these. But how much is it the business of government to intervene in the way in which people, particularly adults, choose to live? This is a particularly pressing question in the context of changing family structures. On the one hand it can be argued that such choices are indeed private and that if people choose to live together rather than to marry, or to have children but not marry, or to divorce and remarry, these are personal decisions outside the legitimate scope of public policy. On the other hand, however, such private choices do have public costs, not least on social security budgets, and it can also be argued that the state has a role to play in protecting the rights of the weaker or more vulnerable partner in these exchanges.

The right to family privacy is set out in Article 8 of the European Convention on Human Rights, which states that

Everyone has the right to respect for his [sic] private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right ...

As Meulders (1994) points out, there can be many different definitions of family privacy and she argues that the concept has been widened from a

'right to be left alone' to an 'absolute right to freedom', ie non-interference in any personal decisions. But this, she suggests, means that rights to individual privacy are increasingly coming into conflict with issues of family protection. The extent to which 'privacy' is located at the level of the individual or the family is therefore of interest here. There is also a gender issue here, and feminist authors have long argued that the definition of the family as a private institution outside the realm of state intervention has been a key factor in sustaining gender divisions and disadvantages for women (e.g. Wilson, 1977; Land, 1978, 1983; Gavison, 1992).

The way in which the boundaries between public responsibilities and private obligations are drawn defines the legitimate range of state welfare activity. In some countries this boundary has been given expression in the concept of subsidiarity: the principle that decisions and action should always be taken at the lowest level possible. Spicker (1991) examines subsidiarity and the family and suggests that:

subsidiarity is justified as an expression of the responsibilities that people have for each other's welfare. These depend on the closeness of their relationship. Because the closest relationships mainly exist within families, it is the family that bears the primary responsibility for social support. The role of others who are more remote is correspondingly reduced; they are 'subsidiary' to the primary responsibilities. The role of public services, in particular, is subsidiary to that of family, local community and the private sector. (p. 4)

This definition of the relationship between family and state relies very much on an appeal to what is 'natural', to the family as a unit in which people will have the 'closest relationships' and be able to depend on each other for support. However, the concept of subsidiarity does not necessarily mean that there is no role for government action since, as our Austrian respondents point out, subsidiarity can mean that the role of the state is 'confined to those areas where families are unable to solve problems on their own' but it can also mean that 'there is also a moral obligation of the state to support families and enable them to fulfil this role'. The issue is not, therefore, whether the state intervenes in families, but it relates to the nature of the interventions made. Hardiker *et al.* (1991), for example, distinguish between primary, secondary and tertiary levels of intervention in relation to the state support of children. Primary

intervention they define as aimed at preventing problems from arising, secondary intervention is aimed at responding to problems as they appear and preventing them from getting worse, and finally tertiary intervention is aimed at limiting the effects of problems that have become serious.

These different types of intervention reflect, among other things, differences in the value attached to family privacy.

Autonomy

Autonomy, or independence, is the second key concept. Again this is a topic that has been of long-standing interest in feminist analyses of the welfare state. Feminist researchers have argued that the claims of men and women on the state for support have often been defined in different ways. These have been variously described in the literature but can be simply differentiated as 'male equals paid worker/breadwinner' and 'female equals unpaid carer/dependant'. Using this dichotomy the key gender difference is that men have direct claims on the state for income support as workers, husbands and fathers while women have indirect claims as wives and mothers, these claims being direct only when there is no husband to mediate. Such a pure 'family breadwinner' model may not exist as such in practice (Lewis, 1992, suggests that Ireland and the UK come closest and Sweden is the most distant) and individual systems can of course also discriminate between men and women. Nevertheless, the extent to which the family or the individual is the focus of social policy is an important determinant of gender equality.

Focusing on autonomy in relation to the family may also provide a way of comparing different approaches to welfare. Writing in response to Esping-Andersen's analysis (1990) of the 'three worlds of welfare capitalism', a number of feminist authors have suggested that his focus on the relationship between the labour market and the state should be extended to an analysis of the relationships between the labour market, the family and the state (Langan and Ostner, 1991; Lewis, 1992; Orloff, 1993; Sainsbury, 1994). O'Connor (1993, p. 515) suggests that the concept of autonomy is central to this:

De-commodification ... refers to insulation from the pressures of the labour market. I argue that this must be supplemented by the concept of personal autonomy. This refers to insulation from personal and public dependence and is central to unravelling the complexity of the

relationships between state, market and family.

McLaughlin and Glendinning (1994) also start with Esping-Andersen's concept of 'de-commodification', defined by him (1990, p. 37) as 'the degree to which individuals, or families, can uphold a socially acceptable standard of living independently of market participation', and develop a parallel concept of 'de-familisation' which they define as 'the terms and conditions under which people engage in families, and the extent to which they can uphold an acceptable standard of living independently of the (patriarchal) family'. They go on to argue:

... as with de-commodification, what is relevant are packages of measures involving both legislation and social welfare ... whether a welfare regime has laws which specify the extent and nature of the obligations of parents and children to each other, laws which specify the rights of those with care needs to have those needs met, the types of social services available, and the extent to which access to services, in practice, depends on one's 'family' arrangements ... The issue is not whether people are completely 'de-familised' but rather the extent to which packages of legal and social provisions have altered the balance of power between men and women, between dependants and non-dependants, and hence the terms and conditions under which people engage in familial or caring arrangements. (pp. 65-6)

This formulation extends the analysis to take in not only gender issues but also the ways in which 'dependency' relationships are more generally defined. The concepts of autonomy and independent rights have also been central to examination of the situation of children and of people with disabilities. Therborn (1993), in his analysis of the 'politics of childhood', suggests that there has been a general extension of children's rights in Western countries and describes this as part of a process whereby the rights of 'egalitarian individualism' are extended over time first to all adult males, then to women and then to children. Nevertheless, children are not, in general, treated as fully autonomous individuals, as the various contributors to Qvortrup *et al.* (1994) show.⁵ The extent to which disabled people have autonomous rights has also become increasingly central to the analysis of disability and social policy (e.g. Oliver, 1990; Morris, 1993;

Bickenbach, 1993). Thus comparing the ways in which family obligations are defined in different countries provides a way of exploring the nature of autonomy and the relationship between the individual and the family.

In the cross-national analysis of partnering, parenting and caring that follows, these concepts of privacy and autonomy are used to try to highlight differences in approaches between countries. Thus we will be considering issues such as the extent to which 'families' are left alone to determine their own relationships, the definition of the family unit, the extent to which policy targets the individual or mediates services through the family, and the extent to which individuals can opt out of family obligations.

Notes to chapter 1

1. ICA was introduced in 1976 and only extended to married women in 1986, after a campaign and a successful plea to the European court (McLaughlin, 1991). In the Netherlands the home care allowance similarly excluded married women. In Sweden people who are paid as family carers have their payments reduced if the person for whom they are caring has to go into hospital. The reduction is higher for women than for men since the calculation assumes that they would 'normally' be providing more care anyway.
2. Ulla Björnberg and Gudny Björk Eydal. In general we refer to the reports by name of country rather than by name of author, with a full list of the national respondents given at the Appendix.
3. See also Sgritta and Zanatta (1994), who make a similar point about Italian policy, as does Valiente (1995) in relation to fascist Spain.
4. Thatcher's speeches and interviews are a rich source of comments that stress a moral agenda for changing the balance between family and state. To give another example, this time in the context of care for elderly and disabled people: 'Once you give people the idea that all this can be done by the state, and that it is somehow second best or even degrading to leave it to private people ... then you begin to deprive human beings of one of the essential ingredients of humanity – personal moral responsibility.' (1978, quoted in Croft, 1986).
5. A number of the contributors contrast the situation of children with that of elderly people and suggest that the latter are more likely to have autonomous rights. For example, Makrinioti (1994, p. 278) argues that '... children, in contrast to the elderly, do not have a basic standard of living guaranteed by the welfare state'. Sgritta (1994, p. 339) also argues '... modern society delegates the care of new generations almost exclusively to the family and ... itself shoulders the burden of maintaining the elderly...' By contrast Wilson (1990, p. 3) argues the opposite: 'Children are the future, and all governments recognise some responsibility for their care, even if only via the education system. The elderly, on the other hand, are seen as having little or no future and can only make claims on the basis of their past labour.' Partly these different perspectives seem to depend on whether the focus is on cash or care.

Partnering

This chapter looks at partnerships between adults and how these are defined and regulated in law and social policy. Three main questions, dealing with different aspects of family obligations, are addressed. First, we consider the extent to which marriage is treated as a private relationship, by examining the ways in which marriage, and the ending of marriage, is regulated. Secondly, we consider the extent to which, in respect of financial matters, spouses are treated as one single unit or as two autonomous individuals. Thirdly, we compare marriage and cohabitation and consider the ways in which, and whether, the two have been assimilated in the different countries. In order to provide a context the first section looks briefly at recent patterns of marriage and cohabitation in the 16 countries.

Patterns of partnership

Falling rates of marriage and rising rates of divorce are increasingly the experience of many countries in Europe, although there are still significant differences across countries. Table 2.1 groups countries into three main categories,¹ according to five indicators of partnership behaviour: marriage rate, divorce rate, proportion of births outside marriage, rates of cohabitation, and proportion of the population living alone. In the first group – Scandinavia and the UK – partnerships include both marriage and cohabitation, with the latter increasingly common. Recent projections for Sweden, for example, suggest that if the number of consenting unions continues to rise at the same rate, by 2030 less than half of all couples living together in Sweden will be married (Prinz, 1994). The extent to which cohabitation is actually replacing marriage in these countries is open to debate but marriage rates are generally lower in these countries than elsewhere in Western Europe and cohabitation rates are higher. Both divorce rates and rates of extramarital births are relatively high and again seem to indicate a less central role for marriage. Ireland and the Mediterranean countries provide an almost completely contrasting picture. In these cases marriage rates are relatively high while

Table 2.1 Patterns of partnership

	Marriage	Divorce	Extramarital births	Living alone	Cohab. 25-29
The Scandinavian/Anglo model					
Denmark	.61	2.5	46.4	34%	23.0% ¹
Finland	.56	2.5	28.9	n.a.	23.9%
Norway	.49 ²	2.4 ²	42.9	n.a.	23.0%
Sweden	.50	2.6	49.5	n.a.	48.1%
UK	.58 ²	4.3	30.8	26%	12.8%
The Mediterranean/Irish model					
Greece	.59	0.6	2.6	16%	n.a.
Ireland	.67 ²	-	18.0	20%	n.a.
Italy	.66 ³	0.4	6.7	21%	1.8%
Portugal	.87	1.3	16.1	14%	3.8% ⁴
Spain	.66 ²	0.7	10.0 ²	13%	n.a.
The central model					
Austria	.58	2.1	25.2	n.a.	5.9%
Belgium	.65	2.2	11.3 ⁵	28%	n.a.
France	.53	1.9 ²	33.2	27%	10.1%
FR Germany	.64	1.9	11.6	34%	6.2%
Luxembourg	.67	1.9	12.7	25%	n.a.
Netherlands	.63	2.0	12.4	30%	15.9%

Marriage: total first marriage rate for women aged below 50, 1992. Source: Council of Europe (1994) table T2.2.

Divorce: divorce per 1000 population, 1992. Source: Council of Europe (1994) table T2.4.

Extramarital births: per 1000 births, 1992. Source: Council of Europe (1994) table T3.2.

Living alone: % of all households that are single person, 1991. Source: European Commission (1994b) table 17.

Cohabitation, % of all unions among those aged 25 to 29, 1985. Source: European Commission (1994b) table 18.

Notes

¹ Women aged 25-29, 1981 from Dormor (1992).

² 1991.

³ 1990.

⁴ From 1991 population census, % of all couples.

⁵ 1989.

divorce rates are low, as are rates of extramarital births. Single-person households are fairly uncommon, especially in Greece, Portugal and Spain, where very few people live alone (although this reflects the age structure of the population as well as marital behaviour). The remaining countries fall between these two models: marriage rates are generally higher, and divorce lower, than in the UK/Scandinavian countries, but living alone is much more common than in southern Europe; extramarital birth rates are relatively low, except in Austria and France.

These are cross-sectional statistics and so do not directly reflect how people experience patterns of partnering throughout their lives. They do, however, give some clues. In Ireland and southern Europe marriage is most likely to be a long-standing relationship, with relatively few people living outside families based on marriage. In central and northern Europe marriage is also important but perhaps less stable, and living in households outside marriage is not uncommon. In Scandinavia and the UK patterns of partnership are very mixed, with high rates of divorce and of births outside marriage, as well as many people living alone or in cohabiting relationships.

Marriage: a private relationship?

Marriage everywhere involves two people of different sexes, although since this is not always stated explicitly there have been some legal challenges, for example in Germany, from homosexual couples. In all EU countries marriage is now defined in law as an equal relationship between the two spouses. However, outside the Scandinavian countries this is a relatively recent development: in Portugal, Italy, Germany, the UK, Luxembourg, France and Austria it dates from the 1970s, and in Greece and Spain from the 1980s. Prior to this the obligations of husbands and wives were often defined in different ways. For example, in Spain up until 1975 the duty of men in marriage was to protect and support their wives and the duty of women was to obey their husbands. Husbands had the right to decide whether their wives could take paid work. In the UK prior to 1978 men always had an obligation to financially support their wives whereas women had this obligation only if the husband could prove that he was unable to support himself. Now, in all these countries, there is a mutual obligation of support. In most countries the nature of this contribution is not specified but some countries (Spain, Luxembourg, Italy, Germany) specifically recognise that a spouse may discharge this maintenance obligation through household and

caring work and not necessarily through a financial contribution.

Separation and divorce

It is at the point of separation or divorce that the obligations of spouses to each other are perhaps the most visible. In order to examine how divorce is regulated we looked at three main indicators: firstly, whether it is necessary to give grounds for divorce; secondly, the extent to which the courts are involved in determining the financial settlement; and thirdly, the likelihood that spouses will be awarded ongoing maintenance for their own support (the next chapter considers the issue of maintenance of children of separated parents). Table 2.2 summarises these and shows that these three factors are usually associated with each other. In countries where divorce is generally freely available the couples are expected to agree themselves on the financial settlement and it is rare for this to include any ongoing spouse maintenance. The countries in this group usually have some sort of mediation or reconsideration period before the divorce is granted. For example, in Norway there is an unconditional right to divorce with no need to give reasons apart from the separation of the couple. However, a minimum period of separation is specified and mediation is compulsory if there are children aged under 16. In Sweden there is a six-month waiting period for couples with children before their divorce can be finalised but childless couples can divorce immediately. In Finland a separating couple first register their separation and the divorce case follows after a six-month reconsideration period. In The Netherlands divorce is also fairly freely available but the financial consequences are determined by the courts and, although this is increasingly controversial, there is an ongoing maintenance obligation to the financially dependent spouse (usually the woman) which, since 1994, has been fixed to a maximum of 12 years.

The next group of countries have mixed systems in which there is both divorce by mutual consent and divorce on the grounds of fault.² In mutual consent (i.e. uncontested cases) the systems seem to be rather like those described above in which couples are expected to reach a financial agreement between themselves, with the courts then ratifying this. However, divorce on fault grounds usually involves the courts in determining financial settlements, often taking into account matrimonial fault (in Austria, Belgium, Italy, Portugal and, more rarely, France). The linking of maintenance to fault has been a subject

Table 2.2 **Regulating divorce/judicial separation**

Grounds	Courts ratify or determine financial settlement	Spouse maintenance
No grounds required		
Finland	ratify	rare
Netherlands	determine	to dependent partner+fixed period
Norway	ratify	rare
Sweden	ratify	rare
Mixed systems: mutual consent and fault-based		
Austria	determine in fault cases	in fault cases
Belgium	determine in fault cases	in fault cases
Denmark	ratify	rare
France	determine in fault cases	rare
Greece	ratify	if no other income+fixed period
Ireland ¹	determine	yes
Italy ²	determine in fault cases	in fault cases
Luxembourg	determine in certain circumstances	yes
Portugal	determine in certain circumstances	in fault cases
Spain	determine in fault cases	yes
Sole grounds: irretrievable breakdown		
Germany	determine	in certain circumstances
UK	determine	rare

¹ In Ireland the possibility of civil divorce is very new; this refers to fault-based judicial separation.

² In Italy the term used is 'responsibility' rather than fault and this applies only to judicial separation and not to divorce (see text).

of some recent controversy in Austria, on the grounds that it heightens the disputes between divorcing partners and gives too much discretion to the courts in deciding what is 'reasonable'.

In Germany and the UK divorce is on the basis that the marriage has broken down irretrievably. In Germany this is proved by separation of one year if both agree, or three years otherwise. In the UK it is proved by one of five 'facts' (two years' separation with consent, five years' separation without, adultery, unreasonable behaviour, two years' desertion) and about three-quarters of petitions are on the adultery or unreasonable behaviour grounds. However, the 1996 Family Law Act will remove the last vestiges of fault in divorce,³ with a mediation period before the divorce is granted. Spouses are rarely awarded any ongoing maintenance in the UK. The countries that are most likely to have ongoing maintenance obligations between spouses are Greece, Luxembourg, Spain, Germany and Ireland. In Greece and Germany this tends to be tied to particular circumstances (i.e. low incomes and caring for children in Greece or caring for children in Germany). Thus it is Luxembourg, Spain and Ireland that seem closest to the principle that marriage involves a lifelong

obligation of mutual maintenance. In Spain, however, there has been recent debate over the existence of 'alimony drones' and proposals to limit spouse maintenance to a maximum of two years.

Thus there are quite clear variations in the legal approaches to the ending of marriage across the countries. However, it should also be noted that, although some countries do have systems of ongoing spouse maintenance this is increasingly becoming a subject of debate and in practice awards often tend to be low. In no country does the state undertake to automatically guarantee these payments. If payment is not made it is the responsibility of the individual to pursue it through the courts, although this may be facilitated by help from social assistance departments. As we shall see, this is in contrast to the position often adopted in relation to the support of children by their separated parents, where a number of countries do guarantee payments.

As a final point it is interesting to note that while the financial arrangements between couples following divorce are often quite unregulated and/or discretionary, this is much less likely to be the case in relation to death. If one spouse dies

without making a will there are usually clear rules of inheritance laid down by law. In most countries children are considered to have a greater entitlement than spouses. In the UK, however, this depends on the size of the estate. In Denmark, Finland, France and Sweden the spouse has the right to administer the estate and thus the children fully inherit only after the death of both parents. Parents of the deceased also have a claim on the estate in France, Germany, Norway, Spain, the UK and, if there are no children, in Greece and in Italy. As discussed in Finch (1989), rules of inheritance are about property while rules of divorce are about liability to maintain, so it is perhaps not surprising to find this difference in the degree of regulation.

Marriage: one financial unit or two independent individuals?

The way marital property is treated can be seen as one indicator of the extent to which spouses are regarded as a single unit or as two individuals. The rules are often complex and Table 2.3 provides a very simplified overview. In seven of the 16 countries the property regime for married couples is fixed, while in the other nine spouses have an opportunity to opt for a particular property ownership regime. Taking into account the most common option in practice, the table shows three main groups of countries: common ownership (seven countries), deferred common ownership (five countries) and individual ownership (four countries). However, within each broad group there are variations as to what counts as 'common' property, while 'individual' ownership usually includes some rights for the other spouse.

Thus, for example, in Luxembourg there are three possible choices for the marital property regime, including one in which all property, acquired both before and during marriage, is owned and managed in common. This also happens in The Netherlands but in France and Italy common ownership applies only to property acquired during marriage, according to rules setting out what counts as personal property. In Spain each former spouse owns half of all property acquired by either during the marriage.

Within the second group the basic model is that property, whether acquired before or during marriage, is individually owned and managed by the person concerned. However, if the marriage is ended, whether by divorce or death, each partner, or the surviving spouse, has some entitlement to the 'individual' property of the

Table 2.3 Marital property regimes

	Fixed	Most common option
Community		Belgium France Italy Luxembourg Netherlands Portugal Spain
Individual with deferred community	Germany Finland Sweden	Denmark Norway
Individual	Ireland UK Austria	Greece

other. In all these countries housing has a special status and one partner cannot dispose of housing, even if it is in their name, without the written agreement of the other.

In the third group, although the principle is one of individual ownership and management of property (both brought to the marriage and acquired during it), there are nevertheless various safeguards that mean the individuals cannot always freely dispose of their property without taking into account their spouse. This is especially likely to be the case in relation to the house in which they live. In the UK and Austria one spouse cannot sell the house without the agreement of the other. In Ireland, however, if the house is held in only one name the other spouse has no claim on it, unless he or she can show a direct financial contribution made to its acquisition.

Tax systems also offer a wide range of ways in which married couples are treated; for example, at one extreme France operates a 'fiscal household' concept and at the other Finland operates a broadly individual, gender-neutral system. The countries roughly divide as follows:

- *Individual systems*: Denmark, Finland and Sweden. The use of individual systems in these countries is specifically intended to support and encourage women's employment.
- *Individual systems but with allowances or credits for dependent partners*: the UK, The Netherlands, Austria and Italy

- *Mixed systems:* Belgium, Germany, Greece, Ireland, Luxembourg and Spain. In Germany, Ireland and Spain married couples can opt to be taxed separately or jointly. In Norway the tax authorities are obliged to use the system which is most favourable. In Greece married couples file joint returns but are taxed separately. These mixed systems tend to favour either one-earner couples or couples with one high and one low earner.
- *Household-based systems where the unit of assessment is the family/household:* France and Portugal. These include complex rules for different household types but also tend to favour one-earner couples.

Thus complete individualisation is rare in tax systems and marriage is usually recognised in some way. This also applies to taxes due on inheritance. As noted above, a number of countries have systems which tend to favour one-earner couples.

Looking at this from a slightly different angle, Shaver and Bradshaw (1995) have calculated the extent to which non-earning wives are supported through the tax systems of different countries.⁴ Comparing the after-tax income of a single person and of a couple with a non-earning wife, they found that Denmark, Ireland, Belgium, Germany and Luxembourg offered the highest levels of additional support to these families, followed by Greece, France, The Netherlands and Spain. At the lowest end were Norway, the UK, Portugal and Italy.

Social Security benefits

The issue of 'individualisation' in social security has attracted much attention in recent years and has been an active area for debate in a number of countries as well as at the EU level (Luckhaus, 1994). There are many ways in which 'family' can be recognised in social security systems; we examine social assistance schemes later in this chapter and social security support for children in the next. Here we focus on the extent to which marriage *per se* is recognised in social insurance schemes. We examine this using two measures: firstly, whether married claimants can claim an addition to social insurance benefits for their spouse; secondly, whether spouses can claim any benefits on the basis of their partner's contributions. Table 2.4 shows the general pattern of spouse recognition. It is not easy to be precise here since the rules are often quite complex and apply differently to different benefits. This is a summary based on an examination of the rules in

Table 2.4 Spouse recognised* in insurance benefits

Usually	Majority
Greece	Netherlands
Ireland	Norway
Luxembourg	Portugal
UK	
Minority	Rarely
Austria	Denmark
Finland	Germany
France	Italy
Spain	Sweden
Belgium	

* Recognised either by the payment of an addition to the benefit or by benefits that are structured such that couples receive a higher rate than single people.

relation to sickness, invalidity, old age, employment injuries and unemployment benefits, taking account of either spouse additions to benefit or benefits that are structured to pay higher rates to couples than to single claimants. Four countries usually take spouses into account: Greece, Ireland, Luxembourg and the UK. Three often do so, but not always: The Netherlands, Norway and Portugal. The remaining countries only occasionally or rarely recognise spouses directly in these social insurance benefits. However, for earnings-related benefits (used in the majority of countries except the UK and, with some exceptions, in Ireland) marital status can also be recognised through the way in which the earnings-related amount is calculated. This is the case in Belgium for invalidity, old age and unemployment benefits, in Greece for sickness and housing benefits and in Germany for unemployment benefits. Since these are calculated on the basis of after-tax earnings in Germany and since the tax system treats married couples more favorably than single people, this gives an additional, if indirect, support to married couples.

Survivor's benefits (for widows or widowers) are the main benefits that are based on rights derived through marital status. Denmark is the only one of these 16 countries with no widow's benefits; which were abolished in 1984 in equal treatment legislation. Some other countries do restrict such benefits in various ways, however; for example, in the UK and The Netherlands only widows with children or older widows are eligible for a continuing payment. In the UK widowers are also excluded from these benefits and, according to Luckhaus (1994), in Ireland, Greece and Luxembourg the conditions are more restrictive

for widowers than for widows (survivor's benefits have not yet been included in EU equal treatment directives). In Austria very young widows, where marriages have not lasted long, may not be entitled. In Finland for those with no children the amount is reduced to take earnings into account. In Belgium, Greece, France, Luxembourg and Norway there is a minimum length of marriage (usually one year) for those without children. Divorced spouses retain some rights to survivor's benefits in France, Germany, Norway and Spain, and in Italy (at the discretion of the courts). These benefits may be of particular importance to elderly widows with no pension in their own right. In the UK such women receive a married women's pension (called a category B pension and calculated on the basis of the husband's contributions). More commonly, however, the survivor's benefit plays this role. Although the focus here is on spouses it is interesting to note that in three countries – Spain, Portugal and Italy – survivor's pensions can be paid not only to widows, and dependent children, but also to quite a wide range of family members: parents, siblings, grandchildren and others.

If we bring together these three measures of the extent to which spouses are taken into account in policy (continuing maintenance obligations, spouse recognition in social insurance benefits and survivor's benefits) we get a composite measure of the degree to which the married couple is seen as a 'breadwinner/dependant' unit. This suggests that the countries most likely to recognise 'breadwinners' are Austria, Belgium, Greece, Ireland, Luxembourg, Portugal and Spain, while those least likely are Denmark, Finland, France and Sweden.

Private choice or public relationship: the treatment of cohabitation

To what extent are couples who live together without formal marriage treated in the same way as those who are married? Are same-sex cohabiting couples treated in the same way as opposite-sex cohabiting couples? Here we look at the legal regulation of cohabitation and the extent to which cohabitation is recognised in tax and social security systems.

There are three main areas in which cohabitation and marriage can be compared in legal terms. These are: whether there is any regulation of who can marry/cohabit with whom; whether the status gives rise to any rights and duties; and whether there is any regulation over dissolution. In general there are regulations

regarding entry into marriage (e.g. laws prohibiting bigamous marriage, incestuous marriage, minimum ages for marriage, etc.) but not specifically for cohabitation, except as part of laws governing sexual behaviour more generally. The mutual obligation to maintain, to inherit from each other and to hold property in common are not usually applicable to cohabiting couples in the same way as to married couples. Cohabiting couples can usually separate without regulation. However, this does not mean that cohabiting couples have no mutual rights or obligations (see next chapter for a discussion of the obligations of unmarried parents to their children). In fact there seem to be three main ways in which cohabitation is treated in civil law:

- *No recognition.* The obligations of cohabiting couples to each other are not formally recognised and therefore it is the responsibility of the courts to decide the outcome of issues such as disputes over property, on a case-by-case basis. This seems to be the situation prevailing in the majority of countries and tends to mean that the treatment of cohabiting couples lacks consistency within countries.
- *Partial recognition.* Cohabiting couples can obtain many, if not all, of the rights of married couples by making contracts that are legally binding. In Germany, Denmark, Norway, The Netherlands and Sweden cohabitation contracts are possible although in practice it seems that only a minority of cohabiting couples actually make such agreements. In Sweden the joint dwelling and household goods of cohabitantes are covered by the 1987 Joint Homes Act, which takes into account factors such as duration of cohabitation and economic co-operation to establish property rights.
- *Official recognition through registration.* In Norway and Denmark registration of the cohabiting relationship is possible and this gives cohabiting couples much the same rights and obligations as married couples. In Spain and France there are some rights to registration at the local level, but these are at the discretion of the mayor, and registration does not confer exactly the same rights as marriage. Registration is available to homosexual couples in Norway (since 1993), in Denmark (since 1989) and in Sweden (since 1994). This gives registered homosexual couples the same rights as married couples except in respect of children. Registration for homosexual couples has also recently been proposed in The Netherlands and Finland.

Turning to financial issues, in Germany our respondent suggests that 'cohabitation is recognised earlier where it helps to save public expenditure, while it is acknowledged only reluctantly if this opens access to benefits reserved formerly to married couples'. Thus, for example, cohabitation is treated differently from marriage in the tax and social insurance schemes but in the same way in the social assistance assessment. Financial issues do seem to be a significant part of the picture for many countries but other factors also come into play, as can be seen in the treatment of homosexual couples. For example, social assistance schemes usually treat heterosexual cohabitants in the same way as married couples but do not do the same for homosexual partnerships (see below). Cohabitation nowhere attracts tax allowances in the same way as marriage. In Italy, Ireland, Germany, Austria and the UK lone parents receive an additional tax allowance which is lost if the lone parent cohabits or remarries. As regards social insurance benefits the picture is much more complicated and more inconsistent within countries. Of the countries which pay spouse additions (as shown in Table 2.4), Greece and Luxembourg do not extend these to cohabitants; the UK sometimes does so; Portugal includes cohabitants after two years; while Ireland, The Netherlands and Norway include all cohabitants. In most countries cohabitants do not have automatic access to survivor's benefits on the basis of contributions made by former partners. Where they are included there are usually restrictions: for example, in Sweden survivor's benefits can be received by an unmarried partner if the couple had children together and had been living together for at least five years. In Finland this is also true for unmarried couples with children but only in certain circumstances (e.g. if the deceased partner died following an employment or traffic accident, or while in military service). In France cohabitants can receive a death grant (but not an ongoing benefit) if they were completely dependent on the deceased partner for at least two years prior to death.

In many countries there is a divergence between how social security law and civil law require cohabitants to be treated. This is especially so with regard to the obligation to maintain, which is present in social security laws governing social assistance benefits but not in civil laws. The debates over the way in which cohabitation should be treated seem to centre around three main issues. First, it is argued that

cohabitation should not be regulated by the state, and that in particular cohabiting couples should not be extended the same rights and duties as married couples. By choosing not to marry, it is said, such couples are signalling their wish to stay outside such regulation. This is the view usually taken in the countries where family law is derived from the Napoleonic Code (e.g. France, Belgium, Luxembourg and Spain), as well as in Portugal, Italy and Sweden. Secondly, one of the functions of the regulation of marriage is to provide protection for the weaker partner, usually the woman, and unregulated cohabitation may have the effect of denying cohabiting women rights to have the value of their unpaid domestic work recognised. Thirdly, extending the rights of marriage to cohabitation may be seen as undermining the institution of marriage by removing incentives to marry. On the other hand, of course, not extending the obligations of marriage to cohabitation can mean that married couples are treated less favourably than cohabiting couples. Thus cohabitants often have the same obligations to each other as married couples but rarely have the same rights to state support.

Social assistance

Finally, we look in some more detail at social assistance schemes – the means-tested safety nets of the social security system. The recent study by Eardley *et al.* (1996) provides detailed information on the social assistance schemes of 24 countries. They define social assistance as 'the range of benefits and services available to guarantee a minimum (however defined) level of subsistence to people in need, based on a test of resources' (p.1), and they identify seven main approaches to social assistance. Table 2.5 shows that the 16 countries covered here fall into five of those groups: those with *integrated* schemes that are codified, rights-based and extensive (Germany, Ireland and the UK); *dual* schemes which include categorical schemes for specific groups and local discretion within a national regulatory framework (Belgium, France, Luxembourg, the Netherlands); *rudimentary* schemes, where national schemes cover only certain groups and otherwise administration is local and discretionary (Greece, Italy, Portugal, Spain); *residual* schemes, where universal welfare provisions means only a limited role for social assistance (Denmark, Finland, Norway, Sweden); and *decentralised* schemes based on local discretion (Austria).

In most countries the unit for social assistance

Table 2.5 Social assistance schemes

	benefit unit ¹	resource unit ²	growth in receipt 1980 (=100) to 1992	
			nos. ³	costs ⁴
Integrated safety net				
Germany	family	h/h; defined rels	172	167
Ireland	family	family	142	133
UK	family	family	177	151
Dual social assistance				
Belgium	family	defined rels	189	129
France	family	family	296	184
Luxembourg	household	household	n.a.	n.a.
Netherlands	family	family	143	131
Rudimentary				
Greece	n.a.	household	n.a.	n.a.
Italy	family	household	135	100
Portugal	family	family	241	167
Spain	family/not coh ⁵	family	n.a.	403
Residual				
Denmark	family/not coh ⁵	family/not coh ⁵	n.a.	n.a.
Finland	family	family	265	240
Norway	family	family/not coh ⁵	271	191
Sweden	family	family	164	146
Decentralised with local discretion				
Austria	household	household	92	117
¹ Benefit unit: the unit for whom benefit is payable. ² Resource unit: the unit whose resources are included in the means test. ³ Individual beneficiaries of cash assistance, as a % of national populations. ⁴ Total social assistance expenditure as a % of social security ⁵ Cohabitants not included.				
Sources: Derived from Eardley <i>et al.</i> (1996), tables 2.5, 2.7, 3.2 and pp. 168-70.				

is the nuclear family of parents and dependent children. This is true for both the 'benefit unit' (the unit for whom benefit is paid) and the 'resource unit' (the unit whose resources are taken into account in the means test used to determine eligibility).⁵ Luxembourg and Austria take the household as the benefit unit and Germany, Belgium, Luxembourg, Greece, Italy and Austria take the household as the resource unit. Spain, Denmark and Norway do not treat cohabitants in the same way as married couples. In general, social assistance has been growing in importance in recent years, as Table 2.5 shows, in terms of both numbers in receipt and expenditure. Given that these benefits are almost all family-based such growth means that increasing numbers of people are receiving benefit support that takes account of family circumstances, and such schemes are becoming more important in social protection.

Privacy and autonomy in partnerships

Marriage remains an important institution throughout Europe, even if many countries – especially Scandinavia and the UK – now experience a multiplicity of family forms and living arrangements. Married couples in all these countries have mutual obligations to maintain but usually the way in which this obligation is discharged is left to them to decide. In many countries, for example, married couples are free to make their own financial and property arrangements. The recognition of the obligation to maintain as an equal obligation on men and women has been a fairly recent development for some countries. This is also true for the recognition of the value of unpaid domestic work in the home. At the point when marriage breaks down the state is more likely to become involved

but, even so, in a number of countries there is an option for couples to divorce with little or no outside regulation and the role of the courts is seen as mainly to ratify what couples themselves decide, rather than to act on their behalf. The countries that seem to offer the greatest regulation of marriage and divorce, according to the indicators used here, are Austria, Ireland, Italy, Germany and the UK. Rarely, however, is marriage now treated as a relationship that confers life-long rights and obligations. Divorce is increasingly available and an ongoing financial obligation between spouses is unlikely. The countries most likely to retain an ongoing financial obligation are Luxembourg, Spain, Ireland and, to a lesser extent, Germany and Greece. After the death of a marital partner, however, the claims of a spouse to property and to survivor's benefits are almost always recognised.

Social security benefits and income tax systems tend to be a mixture of individual and family-based provisions. Marriage is usually recognised in some way in tax systems, often through couples opting for joint taxation. Only Denmark, Finland and Sweden have individual tax arrangements. Social assistance schemes are generally based around a family or, less commonly, household unit. Numbers in receipt of these benefits are rising. Social insurance schemes are much more mixed, both within and across countries. About half of the countries do tend to recognise spouses as dependants and provide benefits for them. Countries most likely to recognise 'dependency' in marriage (through ongoing maintenance obligations, spouse recognition in social insurance benefits, and survivor's benefits) are Austria, Belgium, Greece, Ireland, Luxembourg, Portugal and Spain. Those least likely are Denmark, Finland, France and Sweden.

The position as far as the regulation of cohabitation is concerned is even more mixed. However, there is not much evidence to support the idea that cohabitation is generally coming to be treated in the same way as marriage. Although some countries – The Netherlands and the Scandinavian countries in particular – have taken explicit steps to recognise cohabitation, including homosexual cohabitation, in most countries the response has been rather more *ad hoc* and pragmatic: the obligations of cohabitants to support each other are more likely to be recognised than their rights to receive support from state benefits. Insofar as this is an issue for debate, there seems to be little support for 'extending marriage to the non-married',⁶ not

least because of issues of choice and privacy: if people choose not to marry then that is their decision. In the next chapter we move on to consider the extent to which notions of privacy and autonomy are applied to relationships between parents and their children.

Notes to chapter 2

1. Based to some extent on Kaufmann's (1993) proposed four 'models' of marriage: the Scandinavian model with marriage being replaced by cohabitation; the Anglo-American model with high rates of marriage, divorce and remarriage; the Mediterranean-Irish model in which marriage is a strong and central institution in society; and the Central model which is placed somewhere between the others but with marriage tending over time to become a less important institution. Here we have placed the UK with the Scandinavian countries since they share similar partnership patterns.
2. In Belgium the non-mutual consent divorce is not quite 'no fault', in that while it is not necessary for fault to be established one partner is assumed to be the guilty partner and continues to have a maintenance obligation to the other. In Italy the term used is 'responsibility' rather than fault and legal separations are more common than divorce, mainly because responsibility can be established in separations and maintenance orders be made. In Greece the majority of (the small total of) divorces are by mutual consent since court proceedings are very expensive. In other countries the proportions of mutual consent to fault are roughly as follows: Austria 70:30; Denmark 75:25; France: 50:50; Portugal: 73:27; Spain: 49:45.
3. In England and Wales initially. The legislation has been very controversial and has led to much debate, both in Parliament and outside.
4. Their data did not include Austria, Finland and Sweden. Note that the comparisons made are between single people and one-earner couples rather than one- and two-earner couples.
5. They do not cover in detail the extent to which a means test might call on 'liable relatives' outside the household (i.e. not living with the claimant). We consider this in more detail in Chapter 4.
6. As phrased by our Netherlands respondents.

Parenting

The formal obligations and responsibilities of parents towards their dependent children are central to any discussion about the relationship between the family and the state. The phrase used by Margaret Thatcher to introduce the recent UK child support legislation – 'Parenthood is for life' – captures precisely the view that the bonds of parenthood are permanent and indissoluble. However, as Finch (1989) has pointed out, although kinship bonds are often described as natural and inevitable, at the same time they are also seen as being in need of enforcement. Thus the UK child support legislation aims to 'ensure that parents honour their legal and moral responsibility to maintain their own children.' (Department of Social Security, 1990). It is in the relationship between parents, children and the state that many of the issues that we have addressed in this project – issues of family privacy, of responses to family change, of obligations and rights, of independence and autonomy – are perhaps most clearly highlighted. This chapter examines first the issue of privacy, looking at when and how governments intervene in the relationship between parents and children. The second half examines the nature of the support, in cash and in kind, given to families of different types. This provides some indication of the extent to which governments recognise different types of family living arrangements and of how the boundaries are drawn between parental obligations and state responsibilities. First, we summarise some of the key family trends affecting parenthood.

Small families, working parents

Families with children have become smaller in two senses. First they typically include fewer children. Since the 1960s in Europe the fertility rate has fallen from 2.61 births per woman to 1.54, below the level needed to replace the population (Family Policy Studies Centre, 1994). Women are having fewer children and having them later in life. Secondly, families are smaller in that more of them consist of one parent rather than two; the growth in the number of lone-parent families has

been one of the most striking trends in many countries over the past 20 or so years. There are, of course, variations between countries in the extent and timing of these trends. Fertility rates fell in northern European countries earlier than they did in southern Europe, but since the mid-1980s have started to rise again in Sweden and in Norway (although this may now be levelling out) and rates of lone parenthood started to rise in the UK and in the Scandinavian countries before this happened elsewhere (Roll, 1992).

Table 3.1 uses the same three groupings (Scandinavian/Anglo; Mediterranean/Irish and Central) as we used for looking at patterns of partnering (see Table 2.1 above). The fit is perhaps not so close here, but nevertheless some common patterns within groups and differences across groups can be seen. In the Scandinavian/Anglo group fertility rates are a little higher than elsewhere (with the exception of the UK), rates of lone parenthood are relatively high and so are the employment rates of mothers (with the UK rather lower than the others). However, with the exception of Denmark and Finland this often means part-time rather than full-time jobs. In the Mediterranean/Irish group fertility rates are relatively low (Ireland excepted), lone parenthood is still relatively rare (and more often due to widowhood than elsewhere), and the employment rates for mothers are relatively low (Portugal excepted). Those mothers who are employed, however, work full-time. The central group is something of a mixed bag on these indicators but tends to fall in the middle of the other two groups. The rates of fertility, of age of mother at first birth, of lone parenthood, and of mothers' employment are medium.

Reviewing changes in women's economic activity between 1960 and 1990, an EU report (EC, 1993) suggests that 30 years ago the most common patterns of employment for women were either to leave employment permanently when children were born or to have a break in employment during the child-rearing years and then to return to paid work. Very few women had continuous employment throughout their lives.

Table 3.1 **Patterns of parenthood: early 1990s**

The Scandinavian/Anglo model				
	Fertility rate ¹	Age at first birth - women	lone parents ² % of mothers	% of families employed (full-time) ³
Denmark	1.76	26.9	19%	84% (76%)
Finland	1.85	27.0	16%	70% (89%)
Norway	1.88	25.9	21%	77% (52%)
Sweden	2.09	26.7	18%	80% (53%)
UK	1.79	26.0	21%	62% (34%)
The Mediterranean/Irish model				
Greece	1.39	25.4	11%	51% (95%) ⁴
Ireland	2.02	25.9	11%	32% (n.a.)
Italy	1.25	27.1 (1991)	6%	41% (71%)
Portugal	1.55	25.0	13%	55% (87%)
Spain	1.23	24.2	7%	38% (n.a.)
The Central model				
Austria	1.51	26.0	15%	46% (61%)
Belgium	1.58 (1989)	26.3 (1989)	11%	61% (59%)
France	1.73	27.2	12%	68% (72%)
Germany	1.40	27.1	19%	41% (51%)
Luxembourg	2.12	n.a.	7%	45% (71%)
Netherlands	1.59	27.7	16%	52% (25%)

¹ Total period fertility rate: average number of children over lifetime.

² Lone parents as a proportion of all families with at least one child under 18 (but see Bradshaw *et al.* for exceptions to this definition), most recent data, generally early 1990s.

³ Full-time equals 30 hours plus, early 1990s.

⁴ Not available only for mothers; these tables are for all women in relevant age group.

Sources: Fertility rate and age at first birth from CE (1995) table T3.3 and 3.4, tables refer to 1992 or 1993; lone parenthood and mothers' employment from Bradshaw *et al.* (1996), tables 1.2 and 1.3.

Today, by contrast, continuous employment is the most common pattern in Denmark, France, Finland, Portugal and Sweden. In Germany, the UK and The Netherlands a break in employment for children remains the most common pattern. In the other countries there are quite pronounced differences by age: older cohorts of women dropped out of employment when they had children while younger cohorts appear to be moving towards a more continuous pattern. Combining motherhood and paid employment is, or is likely to become, the experience of most women. Doing so for periods of time alone, without a current partner, may also be the experience of a significant minority.

Family privacy: interventions between parents and their children

Establishing parenthood is the first step in setting out the rights and duties of parents. For women this is usually straightforward: the biological

mother is a parent regardless of her marital status. In France, Italy, Luxembourg and Spain, however, a biological mother can give birth anonymously (her name is not recorded on the birth certificate) and give up her child for adoption. Married men are generally presumed to be the fathers of the children of their wives and so obtain parental rights and duties automatically (unless they take court action to establish that they are not the father).¹ Unmarried fathers are, however, nowhere automatically given the rights and duties of parenthood, although they can acquire some of these if they are legally recognised as the father of the child. For the purposes of analysis it is useful to distinguish between different aspects of these rights and duties, although in practice they may not always be separated in this way. The language used varies from country to country² and it is interesting to note that in many countries there has been a recent shift from using terms such as

'authority' and 'control' to terms such as 'responsibility' and 'care'. Three key concepts can be distinguished:

- *guardianship/care/parental responsibility*: the right to make decisions regarding the upbringing of the child, the duty to educate, legal representation of the child, trusteeship of the property of the child;
- *custody/residence/control*: the right to make day-to-day decisions concerning the child and to provide day-to-day care;
- *maintenance/duty to provide*: the duty to financially support the child, usually according to the means of the parents rather than in relation to some minimum standard.

In general there is broad agreement across all the countries that the rights and duties of parents include all of these and that they are the joint responsibility of the mother and the father as long as the parents are married. These rights and duties also apply to adoptive parents in exactly the same way as biological parents. The duties of care and guardianship generally cease at 18 or 19, the age of majority, when children legally become 'adults'. In practice, however, becoming an adult is a process that takes place over time, which means that some of the rights of adulthood are extended to children at earlier ages in some countries than in others. While guardianship obligations cease when the child reaches a certain age, this is not necessarily true of maintenance obligations. In Austria these continue until the child is capable of 'self support', which can vary, especially if higher education is involved. In Germany the obligation of parents to maintain their children is life-long, with no age limit. In other countries parents may be expected to contribute to the financial support of their 'adult' children in certain circumstances, for example while studying beyond school-leaving level (discussed below).

Child benefit usually ceases at the age at which individuals become 'adults' (i.e. usually 18 or 19). At this point they can claim benefits in their own right. However, there are exceptions. Child benefits are payable for those in higher education up to the age of 27 in Austria and Luxembourg, 25 in Portugal, 24 in Belgium and 22 in Greece. In France and Luxembourg access to minimum income schemes is restricted to those over 25 and 30 respectively. Young people can claim certain benefits in their own right at 14 in Germany and at 15 in Finland and Sweden. Parents may be expected to contribute to the

support of adult children who claim social assistance in Germany, Austria, Belgium and Luxembourg. Thus the age of financial majority is somewhat blurred in a number of countries.

Unmarried parents

The situation of unmarried parents is not the same as of married parents, even if the parents are cohabiting. In all countries unmarried mothers automatically have all the responsibilities and rights of parenthood, although in Germany the local social welfare department is also appointed as guardian of the child, reflecting a view that the unmarried mother is in need of 'patriarchal' protection. For unmarried fathers paternity must be established, either by the father recognising the child or by the courts. In The Netherlands and Norway the woman must accept any declaration of paternity as valid before it can come into effect. Once paternity is established the unmarried father always has a financial obligation to maintain the child. However, as regards guardianship and custody there seem to be three main possibilities:

- *Both parents share the parental obligations and rights equally, as married couples do.* This is so in Denmark, Finland, France (if the couple are cohabiting or the child, born after January 1993, is aged under one year when paternity is established), Norway, Portugal, Sweden and the UK.
- *Both parents can share parental rights and responsibilities, but only with the agreement and ratification of the courts.* This applies in Austria, France (if the child was born before January 1993, was aged over one year when paternity was established or if the couple are not currently cohabiting), Luxembourg, The Netherlands and Spain.
- *The father can gain some rights to guardianship but not necessarily to custody, at the discretion of the courts.* This is the case in Germany, Greece, Ireland and Italy.

The fact that cohabitation does not automatically confer the rights of parenthood on unmarried fathers means that if cohabiting unmarried couples separate the situation of the father is the same as if the couple had never lived together. Thus, if the father has not already formally recognised the child he will probably have difficulty in establishing rights to guardianship. The situation of unmarried families has been the subject of debate in a number of countries, including France, the UK, The Netherlands, Denmark and Norway. Three main issues have

been raised: the rights of unmarried fathers to care and provide for their children; the rights of children to know their 'natural' parents; and the rights of unmarried mothers to autonomy and independence. There is some evidence that governments are prepared to be more interventionist in these areas than has been the case hitherto, for example, giving more rights to unmarried fathers (e.g. France) and increasing efforts to enforce their financial obligations (e.g. the UK, Norway).

Divorced parents

Separation and divorce of married parents may also change the obligations of fathers and mothers. As with unmarried fatherhood, divorce does not remove the financial obligations of the parents to the children: there is always an obligation to maintain. There is, however, some variation in relation to the rights of guardianship and custody. As noted in the previous chapter, in many countries divorcing couples have some degree of freedom to establish their own arrangements following divorce. This is also true, although to a lesser extent, in relation to the care of children. The principle is generally held that parents should agree between themselves and authorities (municipal authorities or courts) should ratify agreements or settle disputes. The main exceptions to this are Austria, Belgium, Germany and Luxembourg, where the courts are always involved. In Austria, Belgium, Germany, Luxembourg and Portugal only one parent can be a guardian; there is no possibility of joint guardianship.³ In all other countries joint guardianship is either automatic or has increasingly become the norm in recent years. Children, however, usually live with their mothers after divorce and so custody remains with the mother. In Finland, France, Spain, Italy, Greece and Sweden both parents automatically retain parental responsibility. In Norway, Denmark, The Netherlands and the UK shared parental responsibility after divorce is increasingly seen as an important principle and is becoming more common. As with the debates about the status of unmarried fathers, the debates about parent-child relationships following divorce have focused around issues about the rights of children and around gender issues. In Finland, for example, the underlying philosophy behind legislation in this area has shifted from one where 'divorce marked the end of parenthood for the parent who moved away' to one where the child has a 'right to care from both parents regardless of the quality of

their relationship'. Other countries (e.g. Norway and the UK) report similar shifts. However, it has also been suggested that joint parental responsibility means a loss of rights and autonomy for the caring parent (usually the mother) as it gives the other parent (usually the father) the right to intervene in decisions without the obligation to join in the day-to-day care.

As with guardianship and custody, there is also quite significant scope for divorcing parents to agree their own financial arrangements for the support of children and have these ratified by the authorities. As Table 3.2 shows, most countries allow this, again with the exceptions of Austria, Belgium, Germany, and also the UK. In the UK the responsibility for establishing levels of child maintenance has been transferred from the courts to a national administrative body (the Child Support Agency) and these levels are set according to a fixed formula which takes into account the incomes of both the parents. In Austria, Germany and Belgium the courts are responsible for setting child maintenance and only the income of the separated parent is taken into account since it is assumed that the parent with whom the child is living is already meeting his or her maintenance obligation (or, to put it another way, the assumption is that one parent cares while the other parent pays). The level of child maintenance is at the discretion of the courts but in Germany and Austria guidelines, based on ages of children and parental income, are commonly used to establish this. In the other countries, if parents fail to reach agreement the courts will decide. Standard rules are applied in Denmark, Norway and Sweden but more discretionary systems are operated elsewhere.

Nine countries make some arrangements to guarantee child maintenance if the liable parent fails to pay. These guarantees are not, however, necessarily to pay the full amount of maintenance. They are usually set at a fixed level, often in relation to benefit rates, so all children receive the same amount regardless of the level of the parental liability. Other restrictions may also apply: in Germany, for example, the guarantee is restricted to children aged under 13 and lasts for a maximum of 72 months. In most countries the guarantees are available only to lone parents (i.e. they cease on remarriage or cohabitation) but this is not the case in Sweden nor Finland (although the amount is reduced). This reflects rather different assumptions about the financial obligations of step-parents or new partners.

The procedures used to set and enforce the maintenance obligations of unmarried fathers are

Table 3.2 **Determining obligations to maintain children after divorce**

	parents can decide	rules used	any payment guaranteed
Denmark	yes	rules	yes
Finland	yes	discretion	yes
France	yes	discretion	yes
Greece	yes	discretion	no
Italy	yes	discretion	no
Luxembourg	yes ¹	discretion	yes
Netherlands	yes	discretion	no
Norway	yes	rules	yes
Portugal	yes	discretion	no
Spain	yes	discretion	no
Sweden	yes	rules	yes
Austria	no	guidelines	yes
Belgium	no	discretion	yes
Germany	no	guidelines	yes
Ireland	no	discretion	no ²
UK	no	rules	no

¹ In certain circumstances.

² In Ireland this refers to judicial separation. Although there is no child maintenance guarantee there is a national insurance benefit for 'deserted wives'.

usually the same as those for divorced fathers so that, for example, child maintenance guarantees are payable to unmarried mothers as well as divorced mothers. Indeed, in Italy the courts may be more willing to intervene in setting maintenance for the children of unmarried fathers than for the children of divorced or separated fathers, since it is considered that divorced or separated fathers are entitled to the privacy of marriage or, as our respondent puts it, 'no ordinary magistrate would check the exercise of parental authority'. Comparing spouse maintenance with child maintenance shows a number of differences: the former is now seen as a ongoing obligation in only a minority of countries while the latter is always defined as an ongoing obligation. The authorities are likely to be involved in setting levels of child maintenance, although it is sometimes possible for parents to do this themselves. In nine out of the 16 countries the authorities will guarantee at least some part of the maintenance obligation for children but not for spouses.⁴

Children in the care of the state

Divorce and separation therefore do not generally lead to the end of parental responsibility. And, even when they are separated from each other, the rights of parents to make their own decisions about the care and support of children remain important. Under what circumstances will the state take these rights away? This is a particularly difficult question to answer because much depends on the way in which legislation is interpreted in practice. Given local discretion and variation there may be as striking differences within countries as between countries. However, although in all these countries the family is considered to be the best place for dependent children, the legislative framework suggests that there are significant differences in approach. The continuum here is not so much between countries that are more or less interventionist but between countries that give more or less emphasis to the autonomy and privacy of parents.

Using the division proposed by Hardiker *et al.* (1991), Table 3.3 divides the countries into three broad groups. The first are characterised by 'tertiary' intervention, that is, intervention in crisis or when problems require some solution. Here are placed Austria, Greece, Germany, Ireland, Italy, Portugal and Spain. In these countries the state will generally intervene in families only in extreme circumstances, when parents are unable to care, are failing in their duties of care, or are abusing, neglecting or mistreating their children. In such cases the courts have the power to remove children from their homes and to remove parental responsibility from the parents, although intervention is limited to some extent by provisions that protect the rights of parents. In Spain and Italy other family members will be expected to take on parental responsibilities before the state will completely take over. In the Spanish case, the courts will name a 'tutor', preferably a grandparent and if this is not possible an older brother or sister. In Italy, 'ascendants' in order of proximity will be formally obliged to take over responsibilities for a particular child if his or her natural parents fail in some way. The state takes on full guardianship and maintenance tasks only if the relatives are not available or are unable to do so. Thus this first group of countries is characterised by intervention that is taken as a last resort and in a largely punitive way. Of these countries, Austria and Germany are perhaps more inclined to provide some general support for families before crisis is reached, through their departments of youth welfare. However, the role of these is more supervisory than supportive and is mainly directed towards overseeing parents to ensure that they fulfil their obligations to their children.

This contrasts with the second approach – found in Belgium, France, Luxembourg, The Netherlands and the UK – where 'secondary' intervention is characterised by provision of ongoing support for families with children experiencing difficulties. In France, for example, there is a reluctance to remove any children from the family home and 'at risk' children are monitored by *aide sociale à l'enfance*, which will work with parents, provide financial assistance to families, provide temporary places 'in care' and so on. It is rare for parental responsibility to be removed completely, even if children are placed in institutions or foster homes and parents are obliged to contribute to the costs of this care. In the UK parental responsibility is also retained by parents whose children are in the care of the local authorities. The concept of 'children in need' has

Table 3.3 Interventions between parents and children

Crisis intervention (tertiary)

Ireland, Portugal, Greece: strong family privacy, intervention in only extreme circumstances

Spain, Italy: look to other family members

Austria, Germany: supervision of parents

Support for parents experiencing difficulties (secondary)

France, UK, Belgium, The Netherlands: parental responsibility usually retained if child in care, voluntary care Luxembourg: state supervisory role especially in health issues

Support for parenting and some recognition of autonomy of children (primary)

Finland, Denmark, Sweden, Norway: child ombudsman, rights of children to be consulted

replaced that of 'children at risk' and social service departments are given statutory duties to provide support and counselling to this group. Belgium, like the UK, has a system which includes provision for voluntary care, counselling and day care places with an emphasis on working to reconcile families and with 'special' services for children who have been abused. In Luxembourg the health authorities may take action to protect children even before they are born if a mother does not attend pre-natal examinations. Indeed, all children under age two must be presented for a series of medical examinations or the person with parental authority risks losing birth allowances. In extreme situations the youth court can take the child into state care. Here the state is obviously taking a clear supervisory role but one which concentrates on the child's physical health.

Finally there are the Scandinavian countries – Finland, Denmark, Sweden and Norway – where there appears to be a more developed consideration of the interests, even rights, of children. Intervention is not limited to crisis or to supervision but is defined more in terms of an enabling role, providing support for parents to enable them to care and recognising, to some degree, the autonomy of children. In Finland, for example, a child of 12 or over has a right to take part in any decision made about his or her care. The child can make an independent appeal against any decisions made by the local municipality and parents retain guardianship responsibilities even when a child is 'in care'. In Denmark every child who goes into care must

have a clear 'plan of action', outlining why this action is being taken, describing future plans and showing that it is in 'the best interests of the child'. The aim of intervention is to reconcile children with their families, with the municipalities paying debts, providing support and meeting the costs of family therapy if this is seen as being necessary. In Norway, similarly, interventions can include financial help, provisions of services, counselling and therapy. However, there is also a growing recognition that the 'best interests' of the child may not always be met by their parents. In Sweden there is a 'parental code' which includes not only guardianship and maintenance obligations but duties to provide security for children, to treat children with respect and not to use corporal punishment. All these countries have a post of 'child ombudsman'.

Supporting parents financially

Recent work by Bradshaw *et al.* (1993) has compared levels of support available to parents and shown substantial variations between countries in the size of the child benefit 'package'. Their results reflect the complexity of the different approaches with, for example, some countries favouring poorer families and others larger families, and much variation in the treatment of housing costs. In their overall 'league table' Luxembourg, Norway, France and Belgium come out as most generous in the level of financial support given, followed by Denmark, Germany, the UK and The Netherlands, with Portugal, Italy, Ireland, Spain and Greece providing the lowest levels. Austria, Finland and Sweden were not included in their data set. This gives some indication of how financial responsibility for parents and children is shared in different countries but it should be noted that, in general, average state support for children represents only a small proportion of average parental support. In Germany, for example, it has been calculated that public transfers account for just over 20 per cent of the total costs of children. The Bradshaw data show that, for example, a couple with two children on half average earnings in France (one of the most generous countries, especially to low earners) would have received the equivalent of £153 per month, compared with average male wages of £955 per month.

Here we focus on the nature, rather than the level, of support given to parents and examine two issues: first, the extent to which social security systems in different countries recognise different types of parenting arrangements and, second, the ways in which child-care services are targeted.

These measures will, we hope, tell us something about the assumptions and expectations about the balance between parents and state in the support of children.

Recognising different parenting arrangements

In order to examine whether support is offered for different parenting arrangements we have taken seven main indicators. The first is whether there is a universal, non-means-tested child benefit (or family allowance). The second and third relate to lone parenthood. Is specific support offered to lone parents and are child maintenance payments from a separated parent guaranteed? The other four relate to family/employment/caring roles. Is there a statutory right to paid parental leave? Is there such a right to paternity leave? Is there a right to leave to care for sick children? And finally is there a right to other care leave/benefits? Of course the interpretation of these as individual provisions is open to debate. For example, specific benefits for lone parents might be lower than support through general schemes and may be considered to be more stigmatising (Millar, 1989). Parental leave can be used to keep women at home as well as to enable them to work (Fagnani, 1994). There are also wide variations in the level and coverage of these. Nevertheless, putting these indicators together provides an overall measure of the ways in which different countries support parents. Table 3.4 summarises the results.

Most of the countries (13) have a universal child benefit scheme, the exceptions being Greece, Italy and Spain, while France starts with the second child. Six countries provide some form of designated benefits for lone parents, either through a family allowance supplement (Denmark, Finland and the UK), a specific benefit (France, Ireland) or both (Norway). Some form of child maintenance guarantee is found in nine countries. Eleven countries have some statutory provision for parental leave, albeit with varying levels of restriction.⁵ For example, employers in Greece may under certain circumstances refuse to grant such leave and in Italy such leave is more like a transferable maternity leave. In The Netherlands there is an option to work part-time and in Belgium to take a 'career break'. In Portugal and Greece leave is unpaid, while in the UK, Ireland and Luxembourg there are no statutory schemes. Paternity leave is available in seven countries, usually for only two or three days (Sweden has the longest at two weeks). Nine countries offer some leave to care for sick

Table 3.4 **Benefits for parents**

	Child benefit	Lone-parent benefit	Child maintenance guarantee	Parental leave	Paternity leave	Leave to care for sick children	Other care provisions
Finland	yes	yes	yes	paid	yes	yes	yes
Norway	yes	yes	yes	paid	yes	yes	yes
Sweden	yes	no	yes	paid	yes	yes	yes
Denmark	yes	yes	yes	paid	yes	no	yes
France	yes ¹	yes	yes	paid ¹	yes	no	yes
Belgium	yes	no	yes	cb ²	yes	yes	no
Germany	yes ³	no	yes	paid	no	yes	yes
Portugal	yes	no	no	unpaid	no	yes	yes
Spain	no	no	no	paid	yes	yes	yes
Austria	yes	no	yes	paid	no	no	no
Italy	no	no	no	mat ⁴	no	yes	yes
Luxembourg	yes	no	yes	no	no ⁵	no	yes
Greece	no	no	no	unpaid	no	yes	no
Ireland	yes	yes	no	no	no	no	no
Netherlands	yes	no	no	pt ⁶	no	no	no
UK	yes	yes	no	no	no	no	no

¹ For second and subsequent children.
² Career break.
³ Up to a ceiling.
⁴ Woman can transfer part of maternity leave.
⁵ Only for civil servants.
⁶ Opportunity to work part-time.

Sources: National reports plus, for parental leave, paternity leave and leave to care for sick children: EC Network on Childcare and Other Measures to Reconcile Employment and Family Responsibilities, 1994.

children and for other family reasons. Ten countries provide some other child-care benefit or leave although these vary widely in their conditions and objectives. In Portugal and Sweden they are linked to the care of disabled children and in Denmark to the care of any disabled family member, including children. In Germany a benefit may be paid for the provision of replacement household work during illness. Norway pays for child care for widowed parents. Finland provides a home care allowance to a parent with a child aged under three who has not been granted public day care. France will

contribute to child-minding costs for children under six.

Remembering that this gives only an indication of the presence or absence of such schemes and not their level and coverage, Table 3.4 shows how the countries compare. In Finland and Norway there are provisions of all these types and in Sweden, Denmark, France, Belgium and Germany of most (five or six out of the seven). Portugal, Spain, Austria, Italy and Luxembourg have about half (three or four out of seven). In the four remaining countries these sorts of provision are more uncommon than not. Ireland, The

Netherlands and the UK⁶ offer some support for all children but little else and Greece has very limited provision.

Child-care services

Support to parents can also be offered in the form of services. Looking at available child-care services provides another indicator of the way the balance between parents and state in the care of children is defined. However, in examining child-care provisions it is important to be aware of two particular issues. The first relates to local variability in provision and is something that will also come to the fore in the next chapter on the care of adults with additional needs. In most European countries much of the responsibility for the provision, financing and regulation of social care services is a local, rather than a national, competence. In practice this can mean many different things: from situations where policy is locally determined, financed and delivered to situations where policy is nationally determined and financed but delivered locally. As we shall see, there is much local variation in relation to both child care and care services for adults. This means that uncovering the way in which the family/state balance is defined is much more complex than it is for nationally-set benefits and services since, to get a complete picture, it would be necessary to look in detail at the sub-national level. In addition, access to services is often determined by processes of assessment rather than by rules and this makes it even more difficult to uncover the nature of expectations about family obligations and how these affect outcomes. To understand this it would be necessary to have a great deal of information on implementation in practice – a task beyond the scope of this project. Here we focus on drawing out and comparing the frameworks within which decisions about the allocation of services are made.

The second issue concerns the fact that much provision in the area of care is non-state, provided by the family, by voluntary organisations and by private markets. If we were interested in describing the level and range of child-care support available to families it would be necessary to look at all these different types of provision. However, our aim here is to examine, not the type and level of support available, but how the role of the state is defined vis-à-vis the role of the family. For this we have looked at two main areas: firstly, an examination of the ways in which publicly provided services are targeted provides an indication of where state responsibilities are assumed to lie; secondly, an

examination of how non-state services are regulated indicates the extent to which parents are left to make their own arrangements without any intervention from the state. Here we draw on the recent work of Karlsson (1995), who has compared 'family day care' in these 16 countries. She defines a 'family day carer' as a 'person who cares for other people's children in her own home, for payment' (a child-minder in English terminology) and estimates that this is the most common source of formal, non-state care for children under three in 11 countries: Austria, Belgium, Denmark, Finland, France, Germany, Ireland, Luxembourg, Norway, Portugal and the UK. Looking at how family day care is regulated is therefore a good indicator of whether it is thought necessary for the state to intervene in parental choice of private care.

Educational provision

Looking at child-care provisions first, it is clear that in all countries the government accepts the responsibility for providing education as a service which is universal, compulsory and free at the point of use. The upper and lower age limits for this vary slightly from country to country but they generally fall between about ages 5 to 7 to ages 15 to 18.⁷ The obligation of parents is to ensure that their children are educated but, in general, parents pay for education only if they go outside the state system to private schools (which everywhere cover only a minority of children). However, parents usually have to meet certain education costs (e.g. for books, uniforms, meals, and so on) and are sometimes involved in school fund-raising (quite common in Ireland and the UK, for example). As we have seen, most countries pay a child benefit for children under school-leaving age.

For young people who continue into higher education after they leave school there is some variation in the extent to which they are considered to remain the financial responsibility of their parents. Students are entitled to financial support in their own right and without any account taken of parental income at age 18 in Sweden and The Netherlands, at age 19 in Denmark and at age 20 in Finland. In other countries any support that is available to students is means-tested on parental income. In Austria, Greece, Ireland, Italy, Portugal and Spain there is very little financial support offered to students and what there is tends to be clearly targetted on particularly meritorious students and/or those with very low incomes. Thus in most countries students must rely on their families or pay their own way and

Table 3.5 Care of pre-school age children

	nursery/ kindergarten provision ¹	infants & very young children: how targeted	regulation of family day care
Denmark	high	extensive, universal	yes
Finland	high	extensive, universal	yes
Sweden	high	extensive, universal	yes
Italy	high	variable, to support parents	yes
France	high	extensive, working parents	yes
Norway	medium	growing, universal	no
Belgium	high	limited, at home preferred	yes
Austria	medium	limited, at home preferred	yes
Germany ²	medium	limited, at home preferred	yes
Greece	medium	limited, at home preferred	no
Luxembourg	low	limited, at home preferred	no
The Netherlands	low	limited, at home preferred	no
Spain	medium	limited, at risk	no
Portugal	low	limited, at risk	no ³
Ireland	low	limited, at risk	no ⁴
UK	low	limited, at risk	yes

¹ High: over 80% coverage, medium: 50-80%, low: below 50%.

² Very different in the old and new Länder.

³ Private is not regulated but organised day care schemes are.

⁴ Some regulation to be introduced under the 1991 Child Care Act.

Source: Phillips and Moss (1988) for Belgium, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Spain and UK; Karlsson (1995) for others.

Note: differences in sources mean the figures should be taken as guides only.

parents usually retain a significant degree of financial liability for their children who are studying.

Pre-school care

It is at pre-school level that there has probably been most debate about the respective roles of parental care and state services and also most variation in practice, as summarised in Table 3.5. In general there seems to be something of a division in approach to the care of infants and very young children (up to about age three) and the care of slightly older children (between about three and school-age). In many countries the latter are seen as 'pre-school' in the sense that they may have some entitlement to educational services – kindergartens, nursery schools and

early attendance at primary school – and in many countries pre-school education is relatively well established and free to parents. For younger children, however, the situation is more variable. In a number of countries there is considered to be very little role for the state in this area and the care of young children is primarily the responsibility of parents. Policy in Austria, Belgium, Germany, Greece, Luxembourg and The Netherlands tends to be based on this view. In these countries public child care is the responsibility of local authorities but levels of provision are low (relative both to demand and to other countries). The hours of care are short and not related to working hours. Fees are also charged, although some subsidies are available to low-income families. Germany, since

unification, presents a very striking example of variation between regions especially since East and West Germany had very different approaches to family support (Ostner, 1996). Places in crèches (for under-threes) are, for example, available for less than three per cent of children in the former West German regions but for 56 per cent of children in the former East German regions. However, since unification services have gradually been dismantled in the East, and the West German model of child care has become more dominant.

Rationale for state involvement

In countries where a role for the state in the care of very young children is more accepted there are three main (but sometimes overlapping) rationales for this: firstly, child care may be seen as meeting the needs of mothers (or parents) to combine child-rearing with paid work; secondly, child care may be seen as having a primarily educational role for children and so be the entitlement of all children; thirdly, child care may be intended for 'problem' children, those deemed at risk in some way or with particular needs. In Ireland, Portugal, Spain and the UK it is the latter view that predominates in relation to very young children. In Portugal and Spain there is a commitment for nursery education for children aged three plus (and low to medium levels of provision) but for under-threes care is seen mainly as a form of additional assistance for families with special needs. This is reflected in the institutional arrangements whereby nursery schools and care services come under different government departments. The situation is somewhat similar in the UK. Nursery school places (under the Department for Education and Employment) are still relatively scarce but there is a commitment to increasing provision; day-care places are very limited and allocated by local authorities to children with additional needs. In Ireland, however, there is little commitment to nursery education and care for under-threes is very much targeted on problem families. In Italy and, to some extent, in France the rationales for the services for young children seem more mixed. In France nursery education for the over-threes is well developed and clearly focuses on the educational needs of children, most of whom attend regardless of parental employment. For under-threes the focus is more on the needs of working parents. There are means-tested subsidies for the care of under-threes, whether this is in publicly provided crèches, in family day

care centres, by family day carers in the home, or by parents. In Italy the majority of over-threes attend nursery school. Among under-threes, however, only about 5.5 per cent attend public day nurseries (ranging from 2 per cent in the south to 10–20 per cent in the centre and north) but local authorities have in recent years been very active in promoting a variety of services for families. These are not, however, substitute parental care since they are mainly aimed at children accompanied by their parents (or other adults). The aim is to provide flexible services that will allow more children who cannot attend public day nurseries to experience the educational and social opportunities of social care, and thus to encourage this form of care over private child-minders. In Norway child-care provision has increased very substantially in recent years. This followed, rather than preceded, the increase in women's employment (Leira, 1992) and there is continuing debate over whether public subsidies should be aimed at the employed or at the stay-at-home mother. High quality care is seen as being in the best interests of the child and the stated national policy is that provision should be universally available. However, not all local authorities (whose responsibility this is) have met this goal and there seems to be some conflict between national and local policy. In Denmark, also, central government has pledged to provide universal provision but here the local authorities (who are responsible for providing, regulating and financing care) have largely supported this. About half of 0–2 year-olds and three-quarters of 3–6 year-olds receive local authority care in Denmark. However, and partly as a cost-containment measure, there has been a shift to home care rather than care in centres. In 1994 a home care supplement was introduced and extended parental leave provided for parents who give up work to care for children at home. The latter has been very popular among women in particular, causing some concern about the gender implications. In Finland and Sweden services are also extensive and aimed at all children, with universal provision as a stated goal. In Finland day care was initially seen as necessary for improving women's employment, and this is still a very important justification. Finally, there is little or no state regulation of day-care services in seven of the countries, which means that parents must themselves take responsibility for ensuring standards of child care purchased in the private sector.

Parents, children and gender roles

Parents generally have three duties to their children: guardianship (to make decisions on their behalf); custody (to look after them on a daily basis) and maintenance (to financially support them). These duties are shared by married parents but if the parents are unmarried or divorced the duties of guardianship and custody are not automatically attached to the father, although the duty of maintenance is. The extent to which the courts or other civil authorities are involved in these decisions varies across countries. Ireland, Greece and Germany are the countries that seem most likely to require outside family intervention. About half of the countries appear to be very reluctant to intervene between parents and their children and will do so only under extreme situations. Only in the Scandinavian countries has there been some official recognition of the rights of children, independently of their parents. These countries are also more likely to offer support to a variety of different family arrangements and to accept responsibility for the provision of child care to very young children.

Putting together the various indicators used in this chapter we can identify which countries are most likely to base their provisions on an assumption of gender-differentiated roles in the family. These are countries where: there are low levels of state child-care provision; family care is considered most appropriate for young children; mothers usually have sole custody after divorce; the rights of unmarried fathers are only partially recognised. Here we find Austria, Germany and Luxembourg with most gender differentiation followed by Ireland and Portugal. At the other extreme are Denmark, Finland, France and Sweden followed by Norway. The countries where family privacy is strongest are Greece, Ireland, Portugal, Spain and Italy. In other words in these countries the courts do not automatically intervene in divorce arrangements or set or guarantee child maintenance. Intervention on behalf of children is usually provoked only by a crisis and child-care provision is mainly unregulated. The UK tends to adopt a middling approach, with some gender differentiation and some willingness to intervene in the family but this is mainly confined to situations of need or where there are family difficulties. The two countries that combine an orientation to traditional gender role couples with high degrees of regulation/ intervention in family life are Germany and Austria.

In examining the relationship between parents and children it is clear that there is no simple continuum from interventionist to non-interventionist approaches. Much seems to depend on whether the context for intervention is primarily one of family privacy or one of family support. We return to these issues in the final chapter but first we examine the issue of care for adults with additional needs.

Notes to chapter 3

1. This is an option available in most countries, although sometimes with restrictions.
2. Note, therefore, that the national reports may use different definitions of these terms. A recent report from the Council of Europe (1995) recommends that the notion of parental authority should be replaced by that of parental responsibility, as reflecting 'the modern concept ... [that parents] exercise powers to carry out duties in the interests of the child and not because of an authority conferred on them in their own interests' (p. 8).
3. However, this has recently been the subject of debate in Portugal and a change in the law to allow joint custody was introduced in 1995.
4. It is interesting to speculate on the impact of child maintenance guarantees which are recouped from absent parents on the views of separated fathers to their parental obligations. As our Swedish respondents note: 'The family obligation is turned into a debt to the state, which probably might have a psychological importance for fathers in their formation of father identity.'
5. Defined as leave for mother or father to enable them to care for children. Maternity leave is available only to mothers, paternity leave only to fathers. Leave to care for sick children may be restricted to one parent or available to either. Here we consider only statutory schemes and not schemes agreed through collective bargaining.
6. From October 1994 a 'disregard' of some portions of child-care costs was introduced for those receiving family credit.
7. Fahey (1993) discusses the introduction of compulsory schooling in Ireland, analysing this in the context of definitions of family privacy. Therborn (1993) provides a comparative analysis of the historical development of the rights of children.

Any examination of the boundaries between state and family obligations must consider the whole range of caring relationships. The previous chapter looked at these boundaries in relation to parents and dependent children. Here we concentrate on adults with additional care needs: older people and those with disabilities. This chapter will discuss the state's involvement in the support of these dependent adults and the expectations made of family members to provide, or pay for care – either through direct legal obligations or indirectly in situations where family income or input might form part of an assessment of need. The issues are explored in three main ways. Firstly, through a consideration of the legal requirements on family members to support others. Secondly, by examining the organisation of support services for this group, as a way of exploring some of the more implicit 'hidden' expectations to care. Finally, the question of whether a general shift away from state responsibility for this group is occurring will be addressed through a comparison of systems of payment for care, which now exist in some form in all of the countries taking part in this study.

Family care and social policy

The organisation and distribution of support for dependent individuals has become a political issue across Europe. This is most usually expressed as concern about a growing population of older people who will have greater needs and therefore place greater demands upon welfare states, with implications for public spending. It is estimated that there are currently 68 million people aged 60 or over in the EU, representing about one in five of the total population, and this figure is expected to rise rapidly in the coming decade. Furthermore the 'very old' – individuals aged 80 and over – are the fastest growing section of this group, which is expected to increase by over a half by 2020 (McGlone and Cronin, 1994). However, the countries of northern Europe will experience this population ageing sooner than the countries of

southern Europe and Ireland, where populations tends to be younger (CE, 1994). It has been suggested that the perception of a growing elderly population as a 'problem' is part of the social construction of old age, which presents older people as dependent, 'useless' and a burden (Hugman, 1994). While this observation is important, it is also clear that many 'very old' people, at least, do require a good deal of input from health and social services and their families if they are to remain in their own home. The alternatives – hospital, nursing home or residential care – are even more expensive. And, as the ratio of older dependants to people of working age is increasing across Europe, it seems inevitable that questions are being raised about who will pay for, or actually care for, this group.

Other studies have shown that in all the EU countries the family is overwhelmingly the main source of non-spouse care for older people, with adult children as the most frequently mentioned carers. And it is suggested that most of these carers are women (McGlone and Cronin, 1994). The gendered nature of caring has been the subject of a good deal of analysis since the late 1970s, and was discussed recently by Ungerson (1994, 1995) with particular reference to the relationship between 'care-givers' (those who do the caring) and 'care-receivers' (individuals with care needs). If women are more likely to be 'care-givers' than men, any shifts in the balance between state and family responsibilities for dependent adults will have important implications for women as a group. At the same time, there has been increasing political pressure in the UK from groups of younger disabled adults who call for the right to control their own care. Indeed, in some other countries, notably Sweden, they already have this right. These disabled adults reject dependence upon welfare professionals or family members and have lobbied for high cash payments which would mean that they could purchase their own support, as an essential part of achieving autonomy (Morris, 1993). However, as Ungerson (1994) suggests, there may be

Table 4.1 **Benefits for old age and disability**

	Old age men/women	Disability working age ¹	Social assistance	
			Recoverable ²	Special ³
Austria	62/65	min. mem.	HH: yes	elderly
Belgium	60-65	min. mem.	yes	elderly/disability
Denmark	67	means-tested	no	no
Finland	65	no extra conditions	no	elderly/disability
France	60	means-tested	yes	elderly/disability
Germany	65	min. mem.	HH: yes	no
Greece	65	min. mem.	yes	elderly
Ireland	65	min. mem.	no	elderly/disability
Italy	60/55 ⁴	min. mem.	HH: yes	elderly/disability
Luxembourg	65	min. mem.	yes	disability
Netherlands	65	min. mem.	no	no
Norway	65	min. mem.	no	no
Portugal	65/62.5 ⁴	min. mem.	no	elderly/disability
Spain	65	min. mem.	no	elderly/disability
Sweden	65	min. mem.	no	no
UK	65/60 ⁴	min. mem.	no	no

¹ Benefits for disabled people below retirement age, excluding employment injury and accident benefits.

² Whether 'liable relatives' outside the co-resident family will be required to repay social assistance. HH denoted household rather than family means test.

³ Whether there are designated schemes of social assistance for elderly/disabled people.

⁴ In process of moving to equality in ages for men and women.

potential conflicts between these demands and the protection of the interests of 'care givers'. She argues that the independence of 'care receivers' should not be won at the expense of carers, who also should have certain entitlements – to professional support, to good working conditions and to market-rate remuneration for their labour – whether they are family members or not.

Table 4.1 provides some context to the discussion which follows by summarising the social security provisions for elderly and disabled people of working age in all of the countries. The most common pension age is 65 and all countries provide at least a minimum pension for people who have reached the required age. However, in Greece, Spain and Portugal the pension is available only to those whose incomes fall below a certain level. Elderly people may also have entitlement to specially designated social assistance schemes in a number of countries (including Austria, Belgium, France, Greece, Ireland, Italy, Portugal and Spain). The table also shows that benefits for disabled people of

working age (leaving aside employment injury and accidents) are most commonly available only to those who have had some minimum period of membership, and this will therefore mean that these benefits are restricted to those who have had some employment experience. As with the elderly, designated social assistance schemes for disabled people exist in a number of countries (Belgium, Finland, France, Ireland, Italy, Luxembourg, Portugal and Spain). Social assistance schemes will be an important source of support for disabled people with a minimum period of employment. In most countries social assistance is means-tested on a family (i.e. couples and dependent children) basis but payments will sometimes be recovered from other family members (this is discussed below).

Legal requirements to care: the boundary between family and state

This section examines the extent to which families are legally obliged to support dependent adults. Table 4.2 places the 16 countries in four main

Table 4.2 Family obligations to care between adults

Legal obligations between family members:

<i>extended family</i>	<i>parents and children</i>
Italy	Austria
Portugal	Belgium
Spain	France
	Germany
	Greece
	Luxembourg

No legal obligations between family members:

<i>no clear state responsibility</i>	<i>clear state responsibility</i>
Ireland	Denmark
UK	Finland
	Netherlands
	Norway
	Sweden

groups, ranging from those countries with legally defined family obligations to those countries with individual entitlement and clearly defined state responsibilities.

Extended family

In the first group – Italy, Spain and Portugal – there are legal obligations between extended family members to provide financial support for each other. However, there is some variation both in which family members are expected to provide support and the nature of the support they are expected to give. Italy is perhaps the country where the notion of obligations between kin is most evident and this is particularly true in the case of older people, where **'... support for the elderly is the area in which the state transfers the burden of responsibility most explicitly and almost totally onto extended family members'**.

Under Italian civil law 'family' includes spouses, non-marital as well as marital children, sons-, daughters-, fathers- and mothers-in-law, and full and half siblings. The state, then, will take responsibility for a dependent adult only when the means of all these kin, who legally have 'responsibility for maintenance', have been thoroughly investigated. These family members will be legally obliged to provide support in proportion to their income rather than degree of kinship. Although the obligation to 'care' – to actually look after a family member who needs this kind of help – is not mentioned in the Italian legislation, nor in that of any of the countries in this

group, there are obvious implications of legislation which gives the state so little responsibility for individuals who are unable to support themselves. Individuals in this system who need assistance with care tasks, or even long-term care, would have to pay for it. Those without the means must turn to family members, who are in effect obliged to pay for, or perhaps more usually provide, this support themselves.

In Spain extended family members also have obligations towards each other but in this case the civil law makes a distinction between *alimentos restringidos* ('restricted' support) – food, shelter, clothes and medical expenses – and *alimentos amplios* ('broad' support) – the provision necessary to maintain one's particular standard of living. Spouses, ascendants and descendants, must provide broad support for each other, while biological (or adopted) siblings or half-siblings must provide the more limited 'restricted' support. This code also makes provision for situations where there are several relatives who could all be called upon, stating that help should come first from spouses, then descendants, then ascendants, full siblings and finally half-siblings. And an individual who is refused help by a family member, or is involved in a dispute about the amount of support given, can take their case to court, where this obligation can be enforced. Here, then, family members have explicit rights to support from each other, with an additional right to appeal. In Portugal restructuring of civil law over the past 20 years has still left support obligations between grandparents and grandchildren, parents and children, aunts/uncles and nephews/nieces and brothers and sisters intact. Failure to meet these obligations, should they arise, could mean that these family members will be formally excluded from inheritance.

Parents and children

In the second group are the countries where civil codes formally give adult children maintenance responsibilities towards their parents. For example, in Greece the more affluent party in this relationship has a legal duty to support the other which is life-long. France, Belgium, Luxembourg, Austria and Germany also have legislation which gives the state the power to reclaim social assistance benefits from adult children. In these countries long-term care needs, which are rarely covered by health insurance, will be paid for through local social assistance if the individual cannot meet these costs him- or herself. 'Care' may include hospital admissions as well as

residential or nursing homes if this admission is not strictly 'medical'. The civil codes in these countries define adult children as 'liable relatives' and so they can be asked, in effect, to pay for the care of parents.

However, it appears that there are differences in the implementation of these laws and these differences probably reflect different notions of family obligations within this group. For example, in Greece the state rarely needs to use these powers as the idea of 'mutual support' is apparently backed by a strong cultural expectation that children have a duty to care for parents who looked after them. Furthermore, any adult who placed a parent in residential care would be criticised and would bring shame to the family. It seems that in practice this legislation does not need to be used because it is bolstered by the belief that it is normal to take responsibility for an elderly parent. These legal obligations are also rarely used in Germany and Austria, but for rather different reasons. The means tests in these countries tend to be generous towards adult children and in many cases local authorities use their discretionary powers not to ask for repayment. Furthermore, it is suggested that elderly people would be reluctant to turn to their children for financial support because this is considered to be shameful, and as a result it seems that some older people do not make social assistance claims which they know could involve their children. It is interesting that in both Austria and Germany the response to potentially greater numbers of adults with long-term care needs has been to extend the social insurance systems to include 'care insurance'. These schemes, which will be returned to later in the chapter, indicate that there is a rejection of the idea of enforcing family obligations, in favour of schemes which promote individual self-reliance – perhaps because the notion of depending upon children is as rejected in these countries as it is felt to be natural in Greece.

No clear state responsibility

In the third group there are two countries where family members have no formal, legal obligations to provide or pay for the care of older people or disabled adults, but where the responsibilities of the state are also not clearly defined. In the UK and Ireland there is no legal obligation for even adult children to support elderly parents, but at the same time the duties of government to individuals with care needs are not explicit. However, as recent experience in the UK has

illustrated, the absence of legislation does not necessarily mean that family members will not be required to make financial contributions, at least towards the care of elderly parents, through the implementation of regulations at local government level. Since 1990 the National Health Service and Community Care Act has given local authorities their own budgets, and while this might allow for more innovation it has also meant that authorities under financial pressure have begun to use existing regulations to explore ways family members might contribute to the costs of care (Dobson, 1995). They might also suggest the sale of property – perceived often as part of the inheritance of children – to finance residential care or even intensive domiciliary support. These changes have been introduced at local government level, and involve using existing regulations rather than introducing new legislation (and as a result perhaps avoiding significant opposition). Discontent expressed through carers' organisations suggests that, as in Austria and Germany, paying for the care of elderly parents is not generally accepted as being 'natural' in the UK.

Clear state responsibility

Finally, in the last group are the countries where state obligations to adults with care needs are made explicit, and where it is the individual to whom support is directed. This group includes the Scandinavian countries and, to a lesser extent, The Netherlands. In The Netherlands the civil code does give adult children maintenance responsibilities for parents, but this is contradicted by the 1965 National Assistance Act which states that all 'needy' adults have a right to claim financial support which cannot be recovered from their family. In practice it seems that the costs of domiciliary support, or even long-term care, which cannot be met by an individual will be paid through the central government's AWBZ scheme (General Act on Exceptional Medical Expenses) with no obligation for adult children to contribute.

In Finland, Denmark, Norway and Sweden state responsibilities are far more explicit. For example, in Norway the last legal obligations of adult children to support parents were removed in the mid 1960s. Spouses or partners still have reciprocal obligations for maintenance but even these are rarely enforced. Fees for residential care are set by local authorities, but using regulations made nationally by the Ministry of Social Affairs. These costs must be met by the

resident and his or her property cannot be included in any assessment of means. Interestingly, Norwegian research suggests that, although adult children (especially daughters) are the primary care-givers for many older people (36 per cent in one recent study), older people still regard access to public services as an entitlement, independent of their family situation. The help and support given by kin is viewed as an 'extra', something that happens by choice, and not as part of the everyday provision of care.

The same perception of the role of the state *vis-à-vis* the family is suggested for the other countries in this group, and in some cases there is additional legislation which gives local government explicit duties towards particular individuals with care needs who wish to remain in their own home. For example, the 1988 Finnish Disabled Persons Act gives local authorities a duty to provide extensive services to support adults with care needs. In Sweden the 1956 Municipality Social Services Act gives local authorities primary responsibility for older people and sets minimum levels of provision (described below). Municipalities are also given particular duties towards younger adults with disabilities to ensure that these individuals are able to 'live and participate in the community'. In Denmark the Social Act gives municipalities particular obligations towards older people who live in their area. There also appears to be a strong emphasis upon the 'independence' of disabled adults with most services, aids and adaptations provided free and without a means test. Here, though, as in the other countries in this group, the absence of legal family obligations does not necessarily mean that families are not involved in the care of older or younger members who require some assistance. However, there are more clearly defined duties of government, and so individuals feel that they have a right to support independently from the help they receive from their families. In other words, they do not have to rely solely upon family members. In Denmark grass-roots protests by organisations representing older people, which occur whenever there are attempts to cut services or increase charges, illustrate the strength of these beliefs.

This does not necessarily imply that, even in this last group, those with care needs are treated as completely autonomous individuals; indeed, in all of the countries access to domiciliary services and residential care appears to involve an assessment made by a welfare professional. This process will inevitably involve even less explicit 'hidden' assumptions about family obligations.

The next section will look at service provision with this question in mind.

Service provision: discretion and expectations

Clearly, it is very difficult to explore the extent to which family situation makes a difference when looking at the organisation and allocation of support services. This kind of information is not always readily available, and some of these decisions are not based upon legislation or even written regulations, but are made as the result of professional judgements. However, our study provides some evidence about the differences in approach and, most importantly, the potential in particular systems for assumptions about family input to be more or less influential. We can also comment upon the rights of individuals to services independent of their family situation in particular systems. For example, as the previous section suggested, it is clear that in some countries systems are based more on national regulation, while in others local authorities have greater discretion when making provision, setting charges or even deciding which family members should contribute to costs. Glendinning and McLaughlin (1993) have highlighted the importance of the relationship between local and central government in their overview of payments for care. Here, the balance between local and national responsibility will be examined, with the suggestion that there are implications for the treatment of those with care needs as individuals with rights to a minimum level of support, and also implications for 'hidden' expectations of families.

Local organisation, no national regulation

Table 4.3 divides the countries into three main groups according to the balance of local and national responsibility. In the first broad group are Austria, Belgium, France, Germany, Ireland, Italy, Spain and the UK. These are all countries where services for adults are organised at the level of local government, with little national regulation of levels of provision or of charges for services. In addition, in these countries there is an absence of legislation which might give individuals a right to a minimum level of support independent of their family situation. However, within this broad group the level of provision varies substantially and this means that the impact of local discretion may be very diverse in practice.

The southern countries in this group (Italy and Spain) and Ireland share the additional characteristics of limited provision of state

Table 4.3 Service provision**Local organisation: no national regulation**

Ireland

Italy

Spain

Austria

Belgium

France

Germany

UK

Local organisation: with national regulation

Denmark

Finland

Netherlands

Norway

Sweden

National organisation

Greece

Luxembourg

Portugal

services for older people or disabled adults. In Italy, for example, it is only since the 1970s that some of the central and northern administrations have been introducing schemes to promote the 'independence' of the elderly. These include day centres and home help, but even in areas where there is this provision, in practice services are said to go only to those without any family input at all. In other words, state support is a substitute for, rather than an addition to, help provided by the family. Importantly, there is no central government responsibility in this area, and no national regulation which would give 'care receivers' or 'care givers' any clear entitlement to a minimum level of support. Spanish services for these groups are also largely organised regionally and locally and have been developed only since the late 1980s. Local authorities can set charges at their own discretion, without limits, and places in government residential homes tend to go to individuals who are able to pay. Indeed, as in Italy, access to any service would involve consideration of family situation and it seems that help would go only to those without any family at all – in this context the most 'needy'.

Ireland also has limited services for this group, but there are no clear legal obligation for families

to help either. However, in the context of undeveloped services, it seems likely that assistance would go only to individuals who are not looked after by their family. Indeed, Ireland has one of the highest numbers of older people in residential care in the EU – 8.5 per cent of the over-65s in 1986. Over a third of these are described as 'social admissions' – in other words, individuals without family support. This seems to provide further evidence that services and residential care are provided as a substitute and used only for the extreme cases where there is no family. The existence of a system of payment for care (this will be returned to below) which insists that carers live with 'care receivers' could provide further evidence that the state wishes to hand over responsibility for older people to families, rather than sharing it. It also might suggest that in Ireland, while family rhetoric is as strong as in Italy or in Spain, family obligations are not considered as being 'natural' to the same degree.

Austria, Germany, France, Belgium and the UK also organise services at the local government level but with higher levels of provision than the countries above. In Germany and Austria the municipalities are given responsibility for services for this group, without central government regulation of levels of provision or of charges. In both countries there is significant regional variation and lack of clarity over responsibility for developing services, which has resulted in some conflict between levels of government. Services are not being developed then, despite awareness of increasing need, and to date neither are legal family obligations being used any more than before. Rather, as suggested earlier, systems of care insurance are being introduced, apparently promoting self-sufficiency. This suggests that in the future individuals will not be expected to rely upon their families nor upon the state, but will be able to buy in their own support. Clearly, though, not all individuals will ever be covered by insurance schemes, and despite the stigma which is said to come from relying upon children, it is likely that the gaps between poor provision and need will continue to be filled by unpaid female family members. Indeed, the fact that central government appears not to be considering extending its formal responsibilities to this group makes it more likely that families will continue to be involved, because alternative sources of support are not being developed for those individuals without insurance cover.

In France and Belgium services are also

organised at the regional level but are subject to more national regulation and are somewhat more developed than in Austria and Germany. For example, in Belgium services are organised by the CPAS, the local social assistance offices, but in all areas include meals-on-wheels, cleaning and general care tasks. However, here as in France, local government has some discretion concerning charges, and in theory could ask for contributions from adult children. And, as in the other countries in this group, a social work assessment determines who is allocated a service, and the availability of members of the family is an important factor in decisions about who gets support.

In the UK the 1990 NHS and Community Care Act gave local authorities more responsibility for dependent adults, and more autonomy to decide levels of provision and set their own charges. This shift helps to illustrate the potential for more discretionary systems to involve 'hidden' expectations of families. The new system relies heavily upon the assessment of need by a welfare professional and the drawing-up of 'care-plans' for individual clients. However, assessments are made in the context of fixed budgets, which must be used to provide services for different groups of individuals, including 'children in need'. Payment for services are also set at local level. In the past many of these were subsidised or free for individuals on benefits. By 1991, though, more than two-thirds of local authorities in England and Wales were making charges for respite care, home help, day centres and meals-on-wheels (Brindle, 1994). It has also been reported that the means of the 'care receiver' and their family are now being considered, particularly through challenging property transfers made to sons and daughters (Dobson, 1995). Regulations unused in the past enable local authorities in the UK to increase family obligations without having to make dramatic legal changes.

Local organisation with national regulation

The second group of countries are those where services are organised by local government, but are subject to national regulation. In The Netherlands decentralisation now means that the municipalities have responsibility for social care services. This has given more room for regional variation, and means that some authorities now make cash payments instead of providing support – the 'cash budget' schemes. However, the 1995 General Disablement Benefit gives adults under

65 who need home help for medical reasons the right to support or payment to buy their own support if the local authority cannot provide this free service. This young disabled group at least, then, have a clear right to free domiciliary help which does not depend on where they live.

Individual entitlement to services is far more developed in Finland, Sweden, Norway and Denmark. Services here are also organised locally by the municipalities but levels of provision and duties towards adults with care needs are clearly defined at national level. In Finland responsibility for most social services lies with the local authorities, but central government provides subsidies, and the 1988 Services and Support for the Disabled Act gives disabled adults the right to a minimum level of service support, and the local authority a duty to provide it. In Sweden the Municipality Social Service Act gives responsibility for care of older people to the municipality, but the Act also gives the municipality the duty to adapt an individual's home if it is necessary, and to provide adequate care to allow him or her to remain at home if they wish. If a private home cannot be adapted the municipality has a further duty to provide alternative suitable housing. Similarly, the promotion of a disabled adult's right to live and participate in the community is the clearly defined responsibility of local government and, as mentioned earlier, legislation passed in 1994 means that this group can now choose to pay for their services directly. In Denmark the 1976 Social Assistance Act gives the local municipalities particular duties towards older people and sets minimum standards of provision. Furthermore, local authorities are only able to make charges for residential care from household members. National regulations state that family members who are not part of the same household cannot be asked to contribute to costs. This legislation also means that the local municipalities cannot make any charges for domiciliary care which is required on a permanent basis. In Sweden charges are also set by local government, but national regulations require the municipalities to keep charges low, and to not make a profit. In Norway too, although there is variation in provision between the municipalities, and local authorities set their own charges, there is national regulation which ensures that individuals are left with at least their pension after payments are made, and that the income of no other family member can form part of a means test.

National organisation

The third main group of countries consists of Greece, Luxembourg and Portugal. These countries have been placed together because their central governments appear to take a more direct role in the organisation and development of services, and, in some of these countries, more control over setting charges. However, in this group this responsibility is not accompanied by clear legal responsibilities towards either 'care givers' or 'care receivers'. And there are also significant differences between these three countries. In Greece services are organised nationally by the Ministry of Health, Welfare and Social Security. They are relatively under-developed but include, since the 1980s, Open Care Centres for the Elderly, designed to support, not replace, family care. To date there are only 278 centres of this kind, concentrated in the urban centres. Any individual aged over 60 who lives in the area is entitled to use the facilities, which include free medical care, meals and various leisure activities. Home care services, also only recently introduced, are again said to be aimed at supporting family care givers. Here, it may well be that family situation is taken into account, but eligibility does not seem to depend on having no available family as in Italy. Furthermore, the service is regulated nationally, and although this support does not yet exist throughout the country the intention is to expand it. However, individuals clearly do not have a legal entitlement to even this minimum level of assistance.

Services for this group have also been organised centrally since 1992 in Luxembourg, in this case by the Ministry of the Family. A programme of future development has been produced which defines one of its priorities as promoting the 'independence' of the elderly, by developing services which will enable them to remain at home for as long as possible. Currently services are organised by non-profit associations under contract to central government, and charges are set on the basis of a means test which in most cases involves only the means of the individual. Here, too, it does seem services are expanding and subject to national regulation. However, once again there is no legislation which gives individuals entitlements to a particular service or level of support. Finally, in Portugal, service provision is also now organised nationally by the Ministry of Employment and Social Security and includes day centres and residential care. However, the bulk of this support is administered by organisations linked to the

Church and non-profit associations, most of which have contracts and agreements with central government. This sector is expanding and, as in Greece and Luxembourg, is subject to national regulation, including in this case regulation of charges. However, as in Greece, provision is still extremely limited, individuals have no clear entitlement to even a minimum level of service, and in practice help is said to be directed at only the most needy – those without any family.

Examples of policy change

However, as in the UK, in some countries changes are taking place which may have significant implications for family involvement in care, for example in Sweden and in Finland recent legislation or changing regulations have, in effect, given local authorities more discretion, particularly over setting charges – indirectly increasing family obligations. In Sweden the 'Adel Reform', introduced in 1992, has meant that local authorities have now taken over full responsibility for all kinds of institutions and homes for the elderly. The elderly person is now registered where he or she lives. In practice, this means that all individuals must meet the full costs of particular expenses which are no longer subsidised or free. So, for example, a patient in a nursing home must now pay the same for a visit from a doctor as an individual living in their own home. Family members in some cases will possibly meet, or contribute towards, the costs of these 'extras', which are of course usually essential for the individual resident.

The introduction of new regulations in Finland in 1993 gave local authorities the powers to charge the real costs of residential care to an individual resident, based on a means test. Although these charges are still regulated by national government (unlike the UK), fees for better-off residents have increased considerably as a result. The same regulations apply to domiciliary services, and it seems that fewer individuals are asking for this help as a result of substantially higher charges. However, perhaps the most significant change in Finland, which is an additional consequence of the new regulations, is the introduction of the Informal Care Allowances to replace the Home Care Allowances. These are also organised at local government level, and are paid to 'care receivers' in cash or services. The local authority draws up a 'care contract' with the 'care giver' which is based on a professional assessment of the needs of the 'care receiver' and a 'care plan'. This change has resulted in a drop in the number of carers who receive care

allowances of around 40 per cent, affecting in particular pensioners who look after their spouses. This group, who were usually able to claim the old Home Care Allowances, are now often excluded by a new practice which makes it more difficult for a 'care giver' who is over 65 to prove eligibility. It might also be concluded that the new assessments consider the input of a partner as something to be taken for granted, which does not need to be paid for, or even supported by service provision. Overall, although these changes are not perhaps as great as in the UK, they are also the result of concerns about welfare spending, and in effect have meant that support for adults with care needs has been cut. And, again, there must be more general implications for family members who presumably, as in other countries, will fill the gap between more restricted provision and need.

On the basis of evidence presented here, it could be argued that more national regulation with clear state responsibilities might not only avoid more extreme regional variation in provision, but also give less room for 'hidden' costs or expectations of families. However, are the changes which have taken place in the UK, and to a lesser degree in Finland and Sweden, part of a more general shift towards increasing family obligations in this area – albeit often indirectly and without passing extensive legislation? Are other countries in Europe moving towards a more 'Italian' model where adult children at least will be expected to take responsibility for older parents? It is clear that welfare spending is a shared concern across these countries but evidence from this study suggests that expectations of family support still vary. And, while the concerns may be shared, the responses of governments differ. The final section of this chapter will briefly consider one common policy response – payments for care – but argue that there are significant differences in these schemes, which need to be examined in the more general context of the family obligations and state provisions described in this chapter.

Payments for care: state withdrawal?

Even the general suggestion that the state is withdrawing from obligations towards dependent adults is not clearly supported by our evidence. The reports indicate that in Greece and Luxembourg at least, service provision is expanding with central government taking on greater responsibilities. It could also be argued that public services are developing in Italy, Spain,

and to some extent in Portugal too. In Italy and Spain, however, support is organised at local government level and there is great regional variation. In all three countries state support still targets only individuals without families and is therefore a substitute for, rather than an addition to, help provided by the family. This again suggests that it is important to attempt to understand how policies fit in with the more general approach in particular countries. The introduction of systems of payment for care could be viewed as part of a shift away from state responsibility by encouraging dependent adults to 'buy in' support from the private sector. Alternatively, the systems could be welcomed as formal recognition that all 'care givers' are workers who should be paid like any other worker, even if they are a member of the individual's own family. Or, they could be perceived as meeting the demand of some 'care receivers' that the independence of elderly and disabled adults would be promoted if they could purchase their own support. However, even a brief examination of payments for care in the countries of our study indicates that these schemes seem to be different in approach and intention, and may not be primarily concerned with the needs of either 'care givers' or 'care receivers'.

Table 4.4 classifies the schemes of payments for care according to whether these go to 'care givers', to 'care receivers', or to both (similar to the classification used by Ungerson, 1995). It is striking how many countries now have these payments. However, within these broad groups there are variations in the way that the schemes are administered and organised, and in the level of benefit which is paid. Belgium, Denmark, Ireland, Italy and Norway all have benefits for 'care givers' and so do France, Finland, Sweden and the UK (the latter countries placed in a third group because they also have benefits for 'care receivers'). But while the payments in Ireland and the UK, for example, are nationally organised and administered and payments made through centralised benefit systems, the Finnish informal care allowances, as the previous section explained, are paid by local authorities and only following an assessment made by a local welfare professional. And, apparently these payments may form part of a 'package' which could be a combination of cash and services. This seems to be quite different from the Irish carer's allowance or the British invalid care allowance which are national systems based on one set of criteria, paid at rates set by central government and quite

Table 4.4 Payments for care*

Payments to 'care givers'

Belgium
Denmark
Ireland
Italy
Norway

Payments to 'care receivers'

Austria
Germany
Netherlands
Portugal
Spain¹
Greece²

Both

Finland
France
Sweden
UK

None

Luxembourg

¹ Spain has a very restricted payment-for-care scheme which is related to contributory pension schemes.

² In Greece some social security funds now provide very low payments to 'care receivers', again under strictly specified circumstances.

Table 4.5 What kind of payment for care?

Temporary

Belgium
Denmark
Sweden

Insurance

Austria
France
Germany

Services/Cash

Finland
Netherlands

Symbolic

Ireland
Italy
Portugal
UK

Contract

France¹
Norway
Sweden¹

Restricted

Spain
Greece

¹ France and Sweden appear twice because both have two different schemes with different principles.

separate from any service provision. Two of the most recent payments for 'care givers' introduced in Denmark and in Belgium target only specific groups. Both countries now allow employees to take short fixed periods of leave to care for a dying relative. This again is very different from the Irish payment, which targets those who provide ongoing long-term care, or schemes available in Norway and Sweden which mean that a family member may be formally employed by a local authority to provide day-to-day support with no time limits. (Sweden also has an established short-term scheme which resembles those of Belgium and Denmark.)

In the case of payments to 'care receivers', Table 4.4 places Germany, Austria, Portugal and The Netherlands in the same group (note that the

countries which also have payments to 'care givers' are in the third group). Yet a further distinction needs to be made between the Portuguese third party benefit, which is described as a 'small supplementary pension' paid to old age pensioners, survivor pensioners and invalidity pensioners who suffer from 'total incapacity', and the new Austrian general care allowance which in theory provides sufficient cash for an insured 'care receiver' to buy in full support.

As a result of the incomplete picture produced by the first attempt at classification, Table 4.5 divides the countries once again, this time into 'temporary' schemes (for example the Danish Compensation for Care described above); insurance schemes (social insurance payments like the Austrian care insurance); 'services and

cash' (where payment is combined with service provision); 'symbolic' payments (which are apparently to pay for care but in practice are too low for this purpose); 'contract' schemes (paid to a 'care giver' and involving a formal contract of employment like the Swedish scheme mentioned above); and finally the 'restricted' schemes of Spain and Greece which are available to very few individuals. This second classification indicates that there are some more significant differences, especially when considered in relation to the earlier discussion in this chapter. For example, the care insurance schemes only recently introduced in Austria and in Germany are clearly part of a distinct government response to potentially growing care costs. These social insurance benefits are paid to insured individual 'care receivers' to allow them to 'buy in' support, which may or may not come from family members. Individuals are unlikely to have more rights to state support in the future – indeed there is little indication that services are being developed – but they will be encouraged to purchase support from the private sector. In France, too, a pilot scheme was introduced on a trial basis in 1995. The *prestation expérimentale dépendance* (PED) is a compensation benefit for a third party, means-tested on the resources of an elderly person and depends on medical and social assessment of care needs. This benefit is also intended to enable the dependent adult to buy in support services.

The Swedish and Norwegian schemes which allow family members to be formally employed are different. Here apparently, the input of carers is recognised and they are given certain rights, including pension contributions and sick leave. Alongside generally good service provision and clear entitlements for 'care receivers' these schemes could be viewed as formal recognition, and even promotion, of family involvement – but involvement which is rewarded with a wage and some employment rights. However, these schemes could also be seen as part of a general intent to discourage women's involvement in the formal labour market, to cut welfare spending, and even as part of a re-emphasis on women's role as the 'natural' carers. The issues these particular schemes raise have obvious connections with debates which took place in the 1970s about wages for housework (Delphy, 1984) and more recent concerns about extended parental leave (Salmi, 1995), which has also been interpreted as part of an attempt to encourage women to stay at home. And these schemes may well conflict with the demands of some 'care

receivers' who see the ability to employ a completely unrelated carer as an important aspect of achieving independence (Morris, 1993).

Yet, in Sweden and Norway family carers have the opportunity to be paid a wage and given some rights. This contrasts with the approach of the British and Irish governments whose 'symbolic' payments for care pay relatively low rates (and nowhere near market rates for care). Furthermore, although the British ICA does award pension credits, in neither of these schemes do carers become formally employed by the local authority. Not surprisingly then, against the background of very poor service provision, the Irish scheme in particular has been seen as a way of encouraging family members to care for dependent adults, but cheaply and without giving them any rights (McLaughlin, 1994). Finally, the fact that there are only very limited payment-for-care schemes in Greece, Spain and Portugal seems to be an additional indication that in these countries the obligations of families to care for each other are so deep-rooted that they do not need to be encouraged.¹

Autonomy and care

As Leira (1994, p. 196) has pointed out, the extent to which 'the provision of care for very dependent persons is perceived as a welfare state concern or as a question of individual responsibility and morals differs across the welfare states of Europe'. The evidence reported here certainly confirms this conclusion. Definitions of who must pay for, and also by implication provide, care vary from legal obligations placed on a range of family members to no legal family obligations at all. The capacity of people to 'opt out' of providing care for family members varies widely across the countries. And the systems described in this chapter vary from those where the family provides virtually all the support to situations where family care is an optional extra to state services. Finally, the extent of local autonomy in deciding about levels of provisions and charges for services seems to be important in understanding the way in which expectations about family influence the actual allocation of services. The possibility for changes in practice – for example, to increase expectations placed on family members – seem much wider in systems where obligations are not specified in law.

On the basis of the discussion presented here we can highlight two extremes of approach. In southern Europe (Italy, Greece, Spain and Portugal) family members are required in law to provide support and state provision is low and

discretionary; it seems mainly available only to those who have no family members to whom they can turn. Carers are rarely paid or compensated and cannot easily opt out of their care obligations. Autonomy or independence from the family – for either care givers or care receivers – is not an objective of policy; neither are there clear entitlements to support for either group. In Scandinavia, by contrast, independence is a goal and social care is more likely to be an individual right (although there is still some discretion because access to care always depends on an assessment of needs by a welfare professional). Levels of service provision are high, and family members can, if they wish, opt out of providing day-to-day support. The current trend of introducing charges, or increasing charges, may mean that in the future financial help will increasingly be expected from family members. There is also some suggestion that schemes which formally employ family members to 'care' are an indirect and politically safe way of handing back responsibilities to the family. Yet, to date, while these concerns are obviously justified, in these countries a framework of good service provision and clear state responsibilities ensures that there is still an element of choice about taking on the role of carer – a choice which is absent in the other systems described above.

Of the other countries Austria and Germany are particularly interesting. In theory adult children have financial obligations to pay for the care needs of their parents but recent policy has moved, not to enforce these, but to require individuals to take out 'care insurance' so that they can pay for care themselves. These schemes apply only to those in employment and so are likely to produce money to pay for care for men more often than for women, since women tend not to have continuous employment careers.

The differences which have been described in this chapter indicate that the countries in this study are not approaching questions concerning the future of 'caring' in the same way; there is no general trend to a common pattern of provision. Cash payments to dependent adults may become the more usual government response in the future, as Ungerson (1995) has suggested, but any payment-for-care scheme, like any other new policy, will be introduced into different contexts, notably different levels of service provision and legislation which gives 'care givers' and 'care receivers' more or less entitlements to support. Thus, the evidence from our study suggests that the boundaries between family and state responsibilities for dependent adults still reflect

the different notions of family obligations which are evident across Europe.

Notes to chapter 4

1. However, Italy, which shares this approach to family obligations, does have a more developed system of payments for care-givers.

Balancing obligations

5

Expectations about family obligations differ across countries and are associated with differences in the nature and extent of state welfare activities. This final chapter considers the extent to which there are patterns of similarities and difference across these countries. Can they be placed in 'families of nations' where shared values about family obligations are reflected in similar policy instruments and measures? Are there common trends towards new definitions of family obligations in the context of changing family and employment patterns, changing gender roles, and welfare state restructuring?

Families of nations

For various reasons, we have not tried to construct a typology of national approaches to defining family obligations. Such a typology could only be incomplete since the data we have tell only part of the story. We have not considered non-state production of welfare through private markets and voluntary bodies, nor have we examined relationships between all three aspects of the state/family/labour market triangle. In addition, there is much variation and change in the way in which obligations are defined within as well as between countries.¹ However, a less rigid approach can be adopted by using the concept of 'families of nations' (Castles, 1993). This is based on the premise that shared geographical, cultural, linguistic and historical experiences tend to generate shared values and attitudes and hence shared legal and policy frameworks. This is a useful approach to analysing family obligations for two main reasons. First, definitions of obligations spring from views about what is 'natural' and what therefore 'should be' and it seems reasonable to assume that such values and attitudes are not simply nation-specific. Secondly, it provides a flexible way of thinking about the relationships between different countries. Families of nations can have different 'kinship' relations to each other; for example, they can be like siblings, like cousins, like distant relatives, even like parents and children.² So when we place countries in relation to each other we can also focus on the

degree of distance or closeness that is involved.

However, even placing countries within 'family' groups in this way can be problematic. Constructing meaningful indicators that summarise the complexity and subtlety of how values translate into policy and which are also able to capture cross-national variation is far from easy. Policies within countries may be contradictory and, at any one time, will reflect a mixture of historical legacy and more recent innovation. Thus, for example, Shaver and Bradshaw (1995) find that Denmark scores highly as a country which recognises 'wifely labour' rather than supporting 'dual breadwinners' – a surprising result given the very high labour market participation of women in Denmark. They suggest that their data reflect 'both old measures, the legacy of the early period of welfare state development, and those of the second phase predicated on the dual-breadwinner model'. It might therefore be expected that countries which have experienced the most rapid change in family and employment patterns will have the most contradictory policies, as provisions reflecting the 'old' values exist alongside measures introduced in response to the 'new'. Within-country disparities also mean that groupings of countries are likely to fall out differently when we examine different areas of policy. For example, Leira (1992) suggests that, in respect of child-care support, Norway has been more like the UK than like the other Scandinavian countries. Tidy categorisations in which countries are placed into one category and only one category will always contain exceptions and contradictions. Nevertheless, and bearing these limitations in mind, we looked for different 'families of nations' according to the importance placed upon different definitions of the family unit in law and policy.

This leads to the identification of three broad groupings of countries: those where obligations are minimal and provisions are mainly directed towards the individual; those where obligations are placed on members of the nuclear family; and those where obligations are placed on members

of the extended family. Within each group there are 'siblings' (where the connections are very close) and 'cousins' (where the connections are rather more distant) but this is especially true within the nuclear family group, where there are clear differences of emphasis. There are connections across groups too; Ireland, for example, shares many of the values of the extended family countries of southern Europe but the extended family does not play the same role, in policy or in practice, as it does in those countries. The Netherlands combines a focus on the nuclear family with a concern to protect individual rights. These differences highlight the mix of values and objectives that affect policy within countries.

Individual

In the Scandinavian countries – Denmark, Finland, Norway and Sweden – the emphasis is on individual entitlements and citizenship rights available to all. Those in need are most likely to expect and receive state, rather than family, provision and there are rarely any legal requirements for family to provide support. Cash benefits are mainly individual in character and such family support as is expected flows mainly from parents to their dependent children (and not from spouses/partners to each other). Even here, however, the state will step in, both to generally support parents (e.g. through widespread service provision and generous benefits) and to replace support where that fails (e.g. through maintenance advances). Care of the elderly is not seen as a family obligation and, although care services are not entirely rights-based, they are more likely to be so than in other countries.

Relations between adults are perceived as largely private and so there is limited regulation of marriage and divorce alongside a willingness to recognise non-marital sexual relationships, heterosexual and homosexual. However, autonomy is generally accorded more importance than privacy, especially perhaps in Sweden where local schemes of social assistance can be very intrusive in their administration and where the use of policy as 'social engineering' has long been seen as legitimate. Intervention in family life in these countries is most apparent in respect of children and in the relations between parents and children. Children in the Scandinavian countries are more likely to be treated as individuals with rights of their own than they are elsewhere (Therborn, 1993; Näsman, 1994) but this inevitably involves some intervention between parents and children.

Insofar as the rights of children are defined as including claims upon their parents (e.g. rights to financial support, to care, to contact), enforcing these rights involves enforcing parental obligations. The extent to which children can be independent from their parents raises similar issues. And debates over 'fatherhood' – the obligations of fathers to provide care as well as cash and of separated fathers to retain contact with their children – are very strong in these countries (Arve-Parès, 1995; Danish Ministry for Social Affairs, 1995). It is possible, and indeed relatively easy, for family members to opt out of providing care and support to other family members. Exchanges of care and transfers within families are more a matter of choice than one of prescription. Tax and benefit systems in the main treat people as individuals. The fact that autonomy is an important factor driving policy has important implications for issues of gender equality, which is most developed in these countries, as shown in the recent UN report in which Sweden was placed first, then Finland, Norway and Denmark.³

The lack of legally-defined family obligations, especially in respect of elderly people, does not mean that family members do not provide support, both cash and care, for each other. Evidence on family exchanges of this sort are fairly limited but what there is shows that family members do help each other in a variety of ways. Women are more likely to provide care than men, but men are also involved in these exchanges. Support flows, not just 'upwards' to elderly people, but also 'downwards' from them to their adult children. There does, however, appear to be a reluctance to be forced to rely upon family members. At the same time there may be a reluctance to rely on social assistance, especially in the context of local and discretionary schemes administered in what may be considered intrusive ways. In Sweden, for example, not everyone eligible takes up social assistance and they are probably relying on family support instead.

Nuclear family

The nuclear family – spouses, parents and children – is where obligations are mainly assumed to lie in eight of the countries (Austria, Belgium, France, Germany, Ireland, Luxembourg, The Netherlands and the UK). Individualisation is relatively undeveloped; benefits and taxes almost always recognise these family obligations and services are intended mainly to support family care. Responses to cohabitation have been mixed and *ad hoc*, rather than reflecting specific objectives, although in general cohabitation is not

seen as conferring the same rights and obligations as marriage. Equality between men and women is formally present in all of these countries, not least as EU members with therefore some legal requirements to equal treatment (see Ostner and Lewis, 1995, for a review). However, a gender 'fault line' can be perceived beneath this egalitarian surface and the 'male breadwinner/female carer' gender role assumptions seem most apparent in Austria, Germany and Ireland and least so in France.

Within this group of countries there are, however, some differences of emphasis. First a division can be made between those countries where legal obligations to provide financial support extend only downwards (from parents to children) and those where these legal obligations extend upwards (from adult children to parents) as well. Ireland and the UK fall into the first category and the other countries into the second category. However, although these upwards obligations exist in law in Austria, Belgium, France, Germany, Luxembourg and The Netherlands they are rarely, if ever, enforced. The upwards obligations specified in civil codes and family law have, it seems, generally been 'overtaken' by more individual- or couple-based social security laws. However, adult children may be treated as liable relatives if their parents make social assistance claims although there is much local discretion in this respect (and therefore scope for more or less enforcement of these obligations, discussed below).

It is also possible to identify differences in approach in respect of care of children. In some countries there is a presumption of family – i.e. mother's – care for children. This is true in Austria, Germany, The Netherlands, Ireland, Luxembourg and the UK: child-care provision tends to be low (especially for young children) and school hours (especially in Austria, Germany and The Netherlands) make it difficult for mothers to also be in full-time work. In Belgium and France child care is seen as a responsibility of the state, and not only of the family. However, particularly in France, state provision for young children is mainly intended to meet educational needs, hence the universal nature of the provision (not only for employed parents). In most of these countries there has been increasing emphasis on the obligations of parents to their 'young adult' children. In Austria and Germany there is no set age limit at which this parental obligation ceases and certainly children in higher education and training are expected to receive parental support. This is also true in Luxembourg and Belgium,

while in France the guaranteed minimum income is available only to those aged over 25, and in The Netherlands there has been much debate over extending parental support obligations up to age 21 (from 18). The UK has also limited benefits to under-18s, pays lower amounts to under-25 year-olds, and has made significant changes to the ways students are funded in higher education.

Extended family

In Portugal, Spain, Italy and Greece the extended family plays a more important role. Although there are clear obligations within the nuclear family (from spouses to each other and from parents to children), these obligations are embedded within a much wider set of familial obligations which brings in grandparents, siblings, uncles and aunts. Families are expected to support one another across a broad range of relationships and someone in need is expected to look first to their family for support. Services that exist are mainly for those without family. Cash benefits usually recognise spouses but may also cover a wider range of dependents (survivor's benefits, for example, recognise other relationships apart from widowhood). Children would be separated from their families only in extreme cases of abuse or neglect; state provision of child care for young children is relatively low and is not primarily intended as support for working parents, but is more likely to be either social or educational in intent. 'Non-family' relationships, such as cohabitation, are unlikely to be perceived as giving rise to obligations in the same way as kin relationships.

In these countries there is a strong sense of family privacy with an assumption that families should be left alone and policy should be generally non-interventionist. However, this is not necessarily a privacy between spouses, or between parents and children. Rather it is a privacy that exists within the extended family as a whole – so, for example, other family members are expected to provide care for dependent adults and to substitute for parental care. Nor is individual autonomy a central goal of policy; instead, assumptions of dependency relationships are pervasive in policy in respect of both cash transfers and care provisions. Opting out of providing family care is difficult since state provisions exist mainly for those without family. Care of the elderly is primarily a family function in all of these countries, and state provision tends to be limited to those without family support. The situation as regards care of children is more

complex. For young children there is very little public provision of care services in Greece or in Spain. In Italy and Portugal there seems to be a greater willingness to support care for young children outside the family, insofar as this is seen as meeting their educational or social needs. However, another striking factor about these countries is that older children, into their twenties or even their thirties, are also often considered to be, and treated as, dependents of their parents. The 'long' family, in which young single adults live with their parents, is common in these countries (in Spain in 1993, for example, 70 per cent of people aged 18 to 29 lived with their parents). Parents are almost certainly providing both financial subsidy and domestic care for these young adults.⁴

Women perform most of the unpaid care work that is carried out within the family, nuclear and extended, whether this be care for elderly people or for children, or indeed domestic work more generally. However, there do appear to be differences among these countries in the extent to which a 'male breadwinner/female dependent' assumption underpins marriage and divorce regulation, social security benefits and taxes. In Italy, our respondent argues that the extended family focus has, until recently, meant that the concept of a 'male breadwinner' has been relatively unimportant and is only beginning to assume a greater importance now in recent policy changes (see also Trifiletti, 1989, 1995). However, in Greece and Spain the male breadwinner model is clearly apparent. This is also true in Portugal but Portugal has made the most explicit moves towards a gender-neutral and egalitarian policy model. The historical legacy of an association between fascist ideology, patriarchy and family policies continues to affect policy debates in Italy and Spain in particular.

Common trends: changing context and changing policy?

One point that emerged very strongly from the data was the extent to which policy in these areas has been, and is, undergoing rapid change. Almost every aspect has, as our Netherlands respondents pointed out, changed in the past 10 or 20 years. But are there common threads to this change? Or is there such diversity and flux that no common patterns can be seen? We suggest that there are three areas where similar trends are in operation although, as the above discussion should have made clear, these are located within very different systems and value orientations.

From marriage to parenthood

The first common thread is the weakening of marriage as an institutional relationship and the growing importance of parenthood, usually defined in biological terms. Marriage remains very important in many of these countries, as a source of mutual support and as a unit with special status and protection in law and policy. Yet marriage is moving away from being defined as a life-long relationship, giving rise to unconditional obligations, and providing the focus for state activity. Parenthood, however, is increasingly defined in this way across all these countries, as much for unmarried as for married parents. Furthermore, these parent-child obligations do not apply only to 'dependent' children. The expectation that parents will help support their adult children is common in both southern Europe and in countries like Austria and Germany and seems to be increasingly expected elsewhere. The 'long' family may become a more important policy model in the future. It is perhaps more acceptable than trying to convince adults that they have an obligation to support their parents, and it is well suited to low-waged labour markets in which individuals do not earn enough to support themselves individually but need to pool with others to achieve an adequate income.

Marriage, like so many social institutions, is double-faced: it fosters dependency among women but at the same time offers them, as the economically weaker partner, some protection from exploitation. Treating married couples as two separate people (and cohabitants in the same way) has different outcomes according to the extent of gender equality in society, especially in access to employment, and so the outcomes of this trend are likely to vary across countries. More generally, if we are to understand the nature of welfare states from a gender perspective it is important to note that the shift in importance from marriage to parenthood means that the claims of women as wives are becoming less important than the claims of women as mothers (or even perhaps women as carers, as discussed below). The conceptualisation of different approaches to welfare in respect of the importance attached to the 'male breadwinner' (Lewis, 1992) could usefully be modified to take more direct account of whether the female role is assumed to be that of wife, or that of mother.

The nature of policy change

Secondly, in very many of these countries (outside Scandinavia) the capacity to make

greater demands on the family is there in the sense that legal obligations already exist between adult children and elderly parents. As yet these do not seem to have been put into operation. However, one important point that emerges from looking at policy change in these countries is that there can be significant shifts in practice that are not necessarily reflected in national policy measures. The way community care has been implemented in the UK, the introduction of fees for services in Sweden and Finland, the setting of care charges at market rates in Luxembourg – these are all examples of changing practice, rather than changing policy, but with potentially very significant effects on the family–state boundary. What is happening in these cases is that the use of discretionary powers of local government within existing regulations means that boundaries between family and state can be moved without the need for new legislation. Similarly, in respect of cash benefits, the growing importance of means-tested social assistance also means there is a shift away from individual entitlement to greater family support. These 'silent' shifts in responsibilities are difficult to track, and the changes they introduce are difficult to assess. But changes that are very visible – child support in the UK, the Adél Reform in Sweden, the PED scheme in France, care insurance in Germany – may be controversial and difficult to implement. As Pierson (1994) has noted, any attempts to cut benefits and services means some people lose and these losers, if they can, will try to resist such cuts. Policy-makers are likely to adopt strategies of 'blame avoidance' such as obfuscation (keeping real policy objectives under wraps), divide and rule (preventing alliances from emerging) and compensation of losers (and thus not taking retrenchment as far as planned). The lower the visibility of any change and the weaker the losers, the more likely it is to succeed. Redrawing the family–state boundary might be very controversial if made visible and policy goals clearly spelt out. But it is difficult to resist if introduced incrementally and at a local rather than a national level. This, of course, has particular implications for women, in many countries politically weaker than men as a group and more affected by changes in social care provisions.

Changes in discourse can also make policy change more acceptable. Even in the individualistic Scandinavian countries there is, it seems, now more willingness to suggest that families have moral, if not legal, obligations to provide care. In Finland, our respondents argue

that the evidence suggests that 'the expansion of public responsibility and public caring that started after World War II has now come to a halt' and recent debate in Finland has focused on how families should be defined for the purposes of mutual support. In Austria, where family obligations are already part of policy, there are pressures to 're-invent the family as a means of saving public expenditure'. In Greece, one of the countries where policy assumes extended family support (and where such support is very important in practice), the direction of policy continues on the basis that 'the most important social protection seems to be the maintenance and strengthening of traditional forms of family exchanges and roles'.

Payments for care

Thirdly, some of the most interesting policy developments in recent years concern the introduction of cash benefits or payments to support those carrying out 'caring' roles, including parental care of dependent children. However, as we have seen, these benefits encompass a wide range of types and of objectives. In some cases payments for care are like labour contracts so that, if family members do take on care responsibilities, they do so in the guise of 'employees' – care as labour and not simply labour of love. In other cases, care payments may be a way of encouraging women to stay out of paid employment by providing them with both a role (carer rather than housewife) and some financial support for that role. The implications of 'paying for care' are a subject of much debate (McLaughlin and Glendinning, 1994; Salmi, 1995; Ungerson, 1995) but one consequence may be to further entrench the divisions between the 'worker's' and the 'carer's' welfare states (Leira, 1994). This would have very clear gender implications, as illustrated by the debate in Denmark over the way women, but not men, have taken up the extended parental leave introduced in 1994, and by similar debates about the impact of parental leave schemes in Norway and Sweden. Implications for gender equality are also strong in the 'care insurance' benefits of Austria and Germany, where full-time continuous workers (i.e. men) are more likely to benefit; and in the 'symbolic' care payments of the UK and Ireland, where such payments are not sufficient for subsistence if there are no other sources of family income. The context in which these payments are introduced is also very important: payments to family members to provide care are likely to have a different impact on carers in

countries with high levels of service provision than they would in countries with low levels.

Family is important in policy, but in different ways and for different reasons, as this report has illustrated. Policies that appear similar can have very different implications in different contexts. It is clear that expectations about family support do have an impact on the level and structure of support provided, giving rise to different national approaches. However, it is also important to note that there are significant differences within countries as well as between countries: greater individualisation in some areas (e.g. social insurance benefits or tax systems) can take place alongside more emphasis on family support elsewhere (e.g. in assessments of care needs). And, even though we have not examined the way in which policies are implemented on the ground, it is nevertheless notable that different forms of legislation and regulatory frameworks provide different opportunities for 'taking family into account' and for allowing family members the chance to opt out of providing cash or care. Our cross-national comparison of different approaches to the boundary between family and state has not resulted in any neat typology of countries but has, we hope, drawn out some of the complexities and subtleties of the relationship between expectations and policy.

Notes to chapter 5

1. There is now a large, and growing, comparative literature which focuses on different aspects of social care/family support/gender as important variables in capturing differences across countries (to add to the existing, also extensive, literature that has more commonly focused on labour market/social security measures). For examples, see Lewis (1992); the various contributors to Sainsbury (1994); Duncan (1995); Anttonen and Sipilä (1995, 1996); Schunter-Kleemann (1995); Trifiletti (1995); Gauthier (1996).
2. For example, Therborn (1993), in his conclusion to the *Families of Nations* volume edited by Castles, focuses on four relationships: lineage from a common origin, separated siblings, affinity groups, and partnerships.
3. The index was constructed using variables such as political representation, income equality, unpaid work and so on. In no country did women outscore men; the scores at the top were Sweden (0.919), Finland (0.918), Norway (0.911) and Denmark (0.904). *New Scientist* (19 August 1995).
4. Very high levels of youth unemployment in these countries would, of course, make it difficult for young people to maintain their own households. Nevertheless both employed and unemployed young adults live with their parents and the 'long' family cannot be considered as only reflecting economic constraints.

In order to address the issue of family obligations it was necessary to collect data across a broad range of policy areas, including social security and fiscal policy as well as social care and family services, and across a range of population groups, ranging from young children to elderly people. In addition to describing social policy legislation and provisions we also needed information on family and civil law. A network of 'national respondents' was established to collect this material (see Appendix 2). The group met twice during the course of the project, once at the start in order to discuss and agree the scope and focus of the data to be collected, and then again about a year later in order to discuss the cross-national comparisons.

Basing data collection around such a network is a method that is being increasingly used in comparative research. The various Networks and Observatories established by the European Commission, for example, bring together national experts in particular policy areas (e.g. child care, labour market policy, reconciling work and family, family policy, etc.) and produce reports which are both country-by-country descriptions and cross-national comparisons (e.g. Ditch *et al.*, 1996a and b). Other examples of networks established for particular research projects include those for Roll's lone-parent studies (1989 and 1992); Millar's study of solo women (1990, 1993); the projects on childhood (Qvortrup *et al.*, 1994) and on the elderly (Evers and Svetlik, 1993) co-ordinated from the European Centre in Vienna; and several recent studies based at the University of York on financial support for children (Bradshaw *et al.*, 1993); social assistance (Eardley *et al.*, 1996) and lone parents (Bradshaw *et al.*, 1996). The most obvious advantages of this methodology are that it is relatively quick and inexpensive yet draws upon the knowledge and expertise of researchers within each country (Millar, 1992). Each individual can bring their 'local' knowledge to the project – they know the social, economic and cultural context, the policy debates, the literature and data sources; and, of course, they speak the language. This should

provide a much more in-depth and sensitive analysis in each country than could be provided by a single researcher working from 'outside'.

The data collection itself can be characterised by two extremes. At the one end is the questionnaire approach, sending to each respondent a detailed questionnaire which they complete for their country. This works best for the collection of factual material (how many people are married? at what age can you claim a pension?). It also provides data which is comparative in the sense that the same definitions are used and the same information is collected for each country, insofar as this is available in the form required. But there are also limitations; in particular there is a danger that the context will get somewhat lost and the data may be interpreted wrongly because of this. In effect, using a fixed questionnaire reduces some of the advantages of accessing local expertise and knowledge by reducing the respondent to simply answering pre-determined questions. In addition, as Karlsson (1995, p. 7) puts it when discussing this questionnaire approach: '... it can be difficult to answer questions about what seems obvious and natural. In several cases it turned out that what seemed so self-evident to someone working in a country that they did not think of mentioning it, was the most important and interesting information'.

The other extreme would be to simply set out the topic – defining family obligations – and ask each national expert to write a paper on that, perhaps giving a broad framework or guidelines as a general context. This approach is often the basis for international seminars and conferences, and used in edited books (e.g. Lewis, 1993 on women in Europe). This is rather different from the questionnaire approach: any direct comparability is almost accidental but instead the papers give much more of the flavour of each country, of what issues are important there, of how concepts are defined and ideas thought about.

The central issue of this project – the way in which family obligations are defined – required a

combination of both of these approaches. Some of the data are straightforwardly factual (at what age can people claim benefits in their own right? who is means-tested in determining entitlement to social assistance benefits?). Some are much more interpretative (what underlying concepts are involved? is this policy controversial or does it command general support?). In drawing up the guidelines for the national reports, therefore, the aim was to try to capture as much as possible of the facts (in particular the relevant family and social legislation and the specific rules attached to benefit entitlements) while allowing sufficient freedom for interpretation and analysis. The latter was also, of course, influenced by the different interests and disciplinary backgrounds of the national respondents. The guidelines set out five main sections for each report to cover, built roughly around a life-cycle approach: marriage and cohabitation, parents and their dependent children, divorce and separation, adult children and their dependent parents, and disruptions to independence. Within each of these sections a number of questions were posed but, as can be seen from the reports (Millar and Warman, 1995), these vary in the level of detail they provide and in the balance between fact and interpretation. In order to gain a more contextualised account of each country, we paid the price of a reduction in direct comparability. The two seminars, one at the start and one about mid-way, proved to be a very important part of the methodology. They provided an opportunity to discuss and clarify central concepts and ideas, as well as validation of the material. The value of such face-to-face meetings was substantial.

The national respondents also provided two other types of information: a 'benefit questionnaire' (which provided data on the way in which family is treated in social security) and responses to a set of six vignettes which we used as a basis for discussion at the second seminar. These little 'stories' were attempts to get beyond the stated policy to what might actually happen in practice (if, for example, a couple were seeking child care for their children). In addition we have drawn on demographic and other statistical material produced by the European Commission and other international bodies such as the OECD. Some further reflections on the methodology are found in Warman and Millar (1996).

List of national respondents

Austria

Christoph Badelt and Barbara Bittner, University of Vienna

Belgium

Mia Wyns, Centre for Family and Population Studies, Brussels

Denmark

Inger Koch-Neilsen and Tine Rostgaard, National Institute for Social Research, Copenhagen

Finland

Anneli Anttonen, Hannele Forsberg and Raija Huhtanen, University of Tampere

France

Nadine Lefaucheur and Claude Martin, IRESO, Paris and University of Rennes

Germany

Kirsten Scheiwe, University of Mannheim

Greece

Laura Maratou-Alipranti, National Centre for Social Research, Athens

Ireland

Mary Daly, University of Gottingen

Italy

Rosanna Trifiletti, University of Florence

Luxembourg

Michel Neyens, Centre d'Etudes et de Recherches, Luxembourg

Netherlands

Boujke Cuelenaere and Anneke van Doorne Huisjes, Erasmus University of Rotterdam

Norway

Arnlaug Leira, Institute for Social Research, Oslo
Portugal: Karin Wall, Institute for Social Science, Lisbon

Spain

Celia Valiente, Centre for Social Sciences, Madrid

Sweden

Ulla Björnberg and Gudny Björk Eydal, Institute of Sociology, Gotesborg

United Kingdom

Jane Millar and Andrea Warman, University of Bath.

References

- Anderson, M. (1983). What is new about the modern family? In British Society for Population Studies, *The Family*. London: BPS.
- Anttonen, A. and Sipilä, J. (1995). Five regimes of welfare care services. Paper presented at the Eighth Nordic Social Policy Research Seminar, Stockholm, February 1995.
- Anttonen, A. and Sipilä, J. (1996). European social care services: is it possible to identify models? *Journal of European Social Policy*, 6, 2, 87-100.
- Arve-Parès, B. (Ed.) (1995). *Building family welfare. Contributions from a seminar on Family, Gender and Welfare Policies in the Nordic Countries*, Stockholm: The network of Nordic focal points for the International Year of the Family.
- Bickenbach, J. (1993). *Physical disability and social policy*. Toronto: University of Toronto Press.
- Bradley, H. (1989). *Men's work, women's work*. London: Polity Press.
- Bradshaw, J., Ditch, J., Holmes, H. and Whiteford, P. (1993). *Support for children: a comparative analysis in fifteen countries*. London: HMSO.
- Bradshaw, J., Kennedy, S., Kilkey, M., Hutton, S., Corden, A., Eardley, T., Holmes, H. and Neale, J. (1996). *The employment of lone parents: a comparative analysis in 20 countries*. Commission of the European Communities/University of York.
- Bransbury, L. (1995). Care in the community. In A. Griffith and G. Roberts (Eds.), *The law and elderly people*. London: Routledge.
- Brindle, D. (1994). Elderly may have to meet full costs of home care, *The Guardian*, 23 December 1994.
- Castles, F. G. (1993). *Families of nations: patterns of public policy in western democracies*. Aldershot: Dartmouth.
- Council of Europe (CE) (1994). *Recent demographic developments in Europe*. Luxembourg: Council of Europe Press.
- Council of Europe (CE) (1995). *Council of Europe achievements in the field of family law*. Luxembourg: Council of Europe Press.
- Croft, S. (1986). Women, caring and the re-casting of need: a feminist reappraisal. *Critical Social Policy*, 16, 6, 23-39.
- Danish Ministry for Social Affairs (1995). *Fathers in families of tomorrow. Report from a conference*. Copenhagen: Ministry for Social Affairs.
- Delphy, C. (1984). *Close to home: a materialist analysis of women's oppression*. Amherst: University of Massachusetts Press.
- Department of Social Security (1990). *Children come first: the government's proposals on child support*. London: HMSO.
- Ditch, J., Barnes, H., Bradshaw, J., Commaille, J. and Eardley, J. (1996a). *A synthesis of national family policies in 1994*. Commission of the European Communities/University of York.
- Ditch, J., Bradshaw, J. and Eardley, J. (1996b). *Developments in national family policies in 1994*. Commission of the European Communities/University of York.
- Dobson, R. (1995). OAPs hand over homes to beat care fees rules, *The Independent on Sunday*, 8 January 1995.
- Dormor, D. (1992). *The relationship revolution*. London: One plus One.
- Duncan, S. (1995). Theorising European gender systems. *Journal of European Social Policy*, 5, 4, 263-284.
- Eardley, T., Bradshaw, J., Ditch, J., Gough, I. and Whiteford, P. (1996). *Social assistance in OECD countries*. London: HMSO.
- Esping-Andersen, G. (1990). *The three worlds of welfare capitalism*. Cambridge: Polity Press.
- European Commission (1993). *Employment in Europe*. Luxembourg: Office for Official Publications of the Countries of the European Communities.
- European Commission (1994a). *Employment in Europe 1994*. Luxembourg: Office for Official Publications of the Countries of the European Communities.
- European Commission (1994b). *The demographic situation of the European Union 1994*. Brussels: DG - V (COM (94) 595).
- European Commission Network on Childcare and Other Measures to Reconcile Employment and Family Responsibilities (1994). *Leave arrangements for workers with children*. Brussels: DGV (V/773/94).
- Evers, A. and Svetlik, I. (1993). *Balancing pluralism: New welfare mixes in care for the elderly*. Vienna: European Centre for Social Welfare Policy and Research.
- Fagnani, J. (1994). A comparison of family policies for working mothers in France and West Germany. In L. Hantrais and S. Mangen (Eds.), *Family policy and the welfare of women*. University of Loughborough: Cross-national research papers.
- Fahey, T. (1993). *The welfare state and family privacy: some conceptual and empirical reflections*. Paper for conference Comparative Research on Welfare States in Transition, Oxford.
- Family Policy Studies Centre (1994). *Families in the European Union*. London: Family Policy Studies Centre.
- Finch, J. (1989). *Family obligations and social change*. Cambridge: Polity Press.
- Finch, J. and Mason, J. (1993). *Negotiating family responsibilities*. London: Tavistock/Routledge.

- Gauthier, A. H. (1996). *The state and the family: a comparative analysis of policies in industrialised countries*. Oxford: Clarendon Press.
- Gavison, R. (1992). Feminism and the public-private distinction. *Stanford Law Review*, 45, 1, 1-30, 35-38, 40-45. Reprinted in Eekelaar, J. and Maclean, M. (Eds.), *A reader on family law*. Oxford: Oxford University Press, 1994.
- Glendinning, C. and McLaughlin, E. (1993). *Paying for care: lessons from Europe*. London: HMSO.
- Hakim, C. (1993). The myth of rising female employment. *Work, Employment and Society*, 7, 1, 97-120.
- Hardiker, P., Exton, K. and Barker, M. (1991). *Policies and practices in preventive child care*. Aldershot: Avebury.
- Hugman, R. (1994). *Ageing and the care of older people in Europe*. London: Macmillan.
- Jonung, C. and Persson, I. (1993). Women and market work: the misleading tale of participation rates in international comparisons. *Work, Employment and Society*, 7, 2, 259-74.
- Karlsson, M. (1995). *Family day care in Europe*. Brussels: DGV (V/5187/95).
- Kaufmann, J. (1993). *Single people, single person households, isolation, loneliness: a status report*. Brussels: DGV (V/7069/93).
- Koch-Neilsen, I. (1996). *Family obligations in Denmark*. Copenhagen: Danish National Institute of Social Research.
- Land, H. (1978). Who cares for the family. *Journal of Social Policy*, 7, 3, 357-84.
- Land, H. (1983). Who still cares for the family. In J. Lewis (Ed.), *Women's welfare, women's rights*. London: Croom Helm.
- Langan, M. and Ostner, I. (1991). Gender and welfare. In G. Room (Ed.), *Towards a European welfare state?* Bristol: SAUS.
- Leira, A. (1992). *Welfare states and working mothers*. Cambridge: Cambridge University Press.
- Leira, A. (1994). Concepts of caring: loving, thinking, doing. *Social Service Review*, 68, 2, 185-201.
- Lewis, J. (1992). Gender and the development of welfare. *Journal of European Social Policy*, 2, 3, 159-73.
- Lewis, J. (Ed.) (1993). *Women and social policies in Europe*. Aldershot: Edward Elgar.
- Luckhaus, L. (1994). Individualisation of social security benefits. In C. McCrudden (Ed.), *Equality of treatment between women and men in social security*. London: Butterworths.
- McGlone, F. and Cronin, N. (1994). *A crisis in care? The future of family and state care for older people in the European Union*. London: Family Policy Studies Centre Occasional Paper no. 19.
- McLaughlin, E. (1991). *Social security and community care: the case of the invalid care allowance*. London: HMSO.
- McLaughlin, E. (1994). Ireland. In A. Evers, M. Pijl and C. Ungerson (Eds.), *Payments for care: a comparative overview*. (European Centre Vienna)/Aldershot: Avebury.
- McLaughlin, E. and Glendinning, C. (1994). Paying for care in Europe: is there a feminist approach? In L. Hantrais and S. Mangen (Eds.), *Family policy and the welfare of women*. University of Loughborough: Cross-national research papers.
- Makrinioti, D. (1994). Conceptualisation of childhood in a welfare state. In Qvortrup, J., Bardy, M., Sgritta, G., Wintersberger, H., *Childhood matters: social theory, practice and policies*. (European Centre Vienna)/Aldershot: Avebury.
- Meulders, M. T. (1994). The individual, the family and the state: dependence, independence or interdependence. In *Festschrift till Anders Agell*. Uppsala: Juridiska Foreningen.
- Millar, J. (1989). *Poverty and the lone-parent family: the challenge for social policy*. Aldershot: Avebury.
- Millar, J. (1990). *The socio-economic situation of solo women in the EC*. Brussels: CEC.
- Millar, J. (1992). Cross-national research on women in the European Community: the case of solo women. *Women's Studies International Forum*, 15, 1, 77-84.
- Millar, J. (1993). *Solo women in the EC*. Women in Europe Bulletin. Brussels: CEC.
- Millar, J. and Warman, A. (Eds.) (1995). *Defining family obligations in Europe*. Centre for the Analysis of Social Policy, University of Bath.
- Millar, J. (1996). Poor mothers and absent fathers. In Jones, H. and Millar, J. (eds), *The politics of the family*. Aldershot: Avebury.
- Morris, J. (1993). *Independent lives: Community care and disabled people*. London: Macmillan.
- Näsman, E. (1994). Individualisation and institutionalisation of childhood in today's Europe. In Qvortrup, J., Bardy, M., Sgritta, G., Wintersberger, H., *Childhood matters: social theory, practice and policies*. (European Centre Vienna)/Aldershot: Avebury.
- O'Connor, J. (1993). Gender, class and citizenship in the comparative analysis of welfare state regimes: theoretical and methodological issues. *British Journal of Sociology*, 44, 3, 501-17.
- Oliver, M. (1990). *The politics of disablement*. London: Macmillan.
- Orloff, A. (1993). Gender and the social rights of citizenship: the comparative analysis of gender relations and welfare states. *American Sociological Review*, 58, 3, 303-28.
- Ostner, I. and Lewis, J. (1995). Gender and the evolution of European social policies. In S. Leibfried and P. Pierson (Eds.), *European social policy: between fragmentation and integration*. Washington: The Brookings Institute.
- Ostner, I. (1996). Families and family policies in transition: the case of post-unification Germany. In H. Jones and J. Millar (Eds.), *The politics of the family*. Aldershot: Avebury.
- Phillips, A. and Moss, P. (1988). *Who cares for Europe's children?* Brussels: DGV (V/1219/1/88).
- Pierson, P. (1994). *Dismantling the welfare state? Reagan, Thatcher and the politics of retrenchment*. Cambridge: Cambridge University Press.
- Prinz, C. (1994). Patterns of marriage and cohabitation in Europe, with emphasis on Sweden. *Population Network Newsletter (POPNET)*, no. 24. Austria: International Institute for Applied Systems Analysis.
- Qvortrup, J., Bardy, M., Sgritta, G., Wintersberger, H. (1994). *Childhood matters: social theory, practice and policies*. (European Centre Vienna)/Aldershot: Avebury.

- Roll, J. (1989). *Lone-parent families in the EC*. Brussels: CEC.
- Roll, J. (1992). *Lone-parent families in the European Community*. London: Family Policy Studies Centre.
- Sainsbury, D. (1994). *Gendering welfare states*. London: Sage.
- Salmi, M. (1995). On the ambiguity of flexibility and choice. In Arve-Parès, B. (Ed.), *Building family welfare: contributions from a seminar on Family, Gender and Welfare Policies in the Nordic Countries*, Stockholm: The network of Nordic focal points for the International Year of the Family.
- Schunter-Kleemann, S. (1995). Welfare states and family policies in the EU countries. *NORA*, 2, 74-86.
- Sgritta, G. (1994). The generational division of welfare: equity and conflict. In Qvortrup, J., Bardy, M., Sgritta, G., Wintersberger, H., *Childhood matters: social theory, practice and policies*. (European Centre Vienna)/Aldershot: Avebury.
- Sgritta, G. and Zanatta, A. (1994). *Families and family policy in Italy: constraints and promises*. In W. Dumon (Ed.), *Changing family policies in the member states of the European Union*. Brussels: European Observatory on National Family Policies.
- Shaver, S. and Bradshaw, J. (1995). The recognition of wifely labour by welfare states. *Social Policy and Administration*, 29, 1, 10-27.
- Spicker, P. (1991). The principle of subsidiarity and the social policy of the European Community. *Journal of European Social Policy*, 1, 1, 3-14.
- Therborn, G. (1993). The politics of childhood: the rights of childhood in modern times. In Castles, F. G. (Ed.), *Families of nations: patterns of public policy in western democracies*. Aldershot: Dartmouth.
- Trifiletti, R. (1989). The impact of social policies on the Italian family of the seventies. *Marriage and Family Review*, 19, 1/2, 19-39.
- Trifiletti, R. (1995). *The gendered 'rationalization' of Italian family policies in the nineties*. Paper presented to the second ESA Conference, Budapest, August/September.
- Ungerson, C. (1994). Morals and politics in 'payments for care': an introductory note. In A. Evers, M. Pijl and C. Ungerson (Eds.), *Payments for care: a comparative overview*. (European Centre Vienna)/Aldershot: Avebury.
- Ungerson, C. (1995). Gender, cash and informal care: European perspectives and dilemmas. *Journal of Social Policy*, 24, 1, 31-52.
- Valiente, C. (1995). Rejecting the past: central government and family policy in post-authoritarian Spain. In L. Hantrais and M. T. Letablier (Eds.), *The family in social policy and family policy*. University of Loughborough: Cross-national research papers.
- Wall, K. (1995). Apontamentos sobre a família na política social portuguesa. *Análise Social*, vol 131/2, 431-58.
- Warman, A. and Millar, J. (1996). Researching family obligations: some reflections on methodology. In L. Hantrais and M. T. Letablier (Eds.), *Reflections on international comparisons of families, the family - employment relationship and family policies in Europe*. Centre for European Studies, University of Loughborough.
- Wilson, E. (1977). *Women and the welfare state*. London: Tavistock.
- Wilson, G. (1990). Caring and the welfare state. In L. Hantrais, S. Mangen and M. O'Brien (Eds.), *Caring and the welfare state in the 1990s*. University of Loughborough: Cross-national research papers.

Family obligations in Europe

PUBLISHED BY

**Family
Policy
Studies
Centre**

The **Family Policy Studies Centre** is an independent body which analyses family trends and the impact of policy. It is a centre of research and information. The Centre's Governing Council represents a wide spectrum of political opinion, as well as professional, academic, faith, local authority and other interests.

Family & Parenthood
Policy & Practice

The Family and Parenthood: Policy and Practice series is a joint series with the Joseph Rowntree Foundation, consisting of a number of reports related to the theme of Family and Parenthood, but also encompassing other reports that have a direct bearing on families and family policy.

Recent titles include:

- Parenting in the 1990s
- The employment of lone parents: a comparison of policy in 20 countries
- Learning to be a parent: a survey of group-based parenting programmes
- Young single mothers: barriers to independent living
- Diet, choice and poverty

For further details, please contact the FPSC.

SUPPORTED BY

JR
JOSEPH
ROWNTREE
FOUNDATION

The **Joseph Rowntree Foundation** has supported this project as part of its programme of research and innovative development projects, which it hopes will be of value to policy makers and practitioners. The facts presented and views expressed in this report, however, are those of the authors and not necessarily those of the Foundation.